

1 A bill to be entitled  
 2 An act relating to performance-based pay bonuses for  
 3 district school board employees; creating s. 1012.225,  
 4 F.S.; providing legislative findings and intent; providing  
 5 for performance-based pay plan program participation;  
 6 providing requirements for funding of bonuses; requiring  
 7 performance-based pay plans to be subject to negotiation;  
 8 providing criteria for disbursement of bonuses; providing  
 9 criteria for assessment of performance, including a  
 10 professional practices component and an improved student  
 11 performance component; providing duties of district school  
 12 boards and the Department of Education; providing for  
 13 review of performance-based pay plans by district school  
 14 boards and the Auditor General; authorizing the State  
 15 Board of Education to take action for substantial  
 16 noncompliance; transferring s. 1008.36, F.S., relating to  
 17 the Florida School Recognition Program, to s. 1012.225,  
 18 F.S.; providing for performance bonuses for all faculty  
 19 and staff of schools awarded under the program;  
 20 authorizing rulemaking; revising requirements for  
 21 submission and approval of a Special Teachers Are Rewarded  
 22 performance pay plan (STAR Plan) under proviso language in  
 23 Specific Appropriation 91 of chapter 2006-25, Laws of  
 24 Florida, and s. 3 of chapter 2006-26, Laws of Florida;  
 25 providing for encumbered funds; amending ss. 1008.34,  
 26 1008.341, and 1008.345, F.S.; revising provisions relating  
 27 to the Florida School Recognition Program and the school  
 28 improvement system; conforming cross-references; amending  
 29 s. 1012.22, F.S.; deleting provisions relating to

30 Commissioner of Education duties with respect to district  
 31 compliance with performance-pay policies; amending s.  
 32 1012.28, F.S.; conforming provisions; amending s. 1012.34,  
 33 F.S.; revising provisions relating to the school district  
 34 personnel assessment system; requiring a school district  
 35 personnel appraisal system; specifying conditions and  
 36 procedures; requiring school district development of and  
 37 ability to administer certain examinations; requiring  
 38 funding for a study to determine viability and cost of  
 39 making bonuses part of the Florida Retirement System;  
 40 providing effective dates.

41  
 42 Be It Enacted by the Legislature of the State of Florida:

43  
 44 Section 1. Effective July 1, 2007, section 1012.225,  
 45 Florida Statutes, is created, and section 1008.36, Florida  
 46 Statutes, is renumbered as subsection (7) of section 1012.225,  
 47 Florida Statutes, and amended, to read:

48 1012.225 Performance-based pay plan program for  
 49 instructional personnel and school-based administrators; school  
 50 recognition bonuses for all faculty and staff of high-performing  
 51 schools.--

52 (1) FINDINGS.--The Legislature finds that:

53 (a) All school personnel play essential roles in attaining  
 54 the primary goal of public education, the improvement in academic  
 55 achievement of all students.

56 (b) Performance-based pay bonuses are commonplace in the  
 57 private sector and should be infused into the public sector as a  
 58 reward for effective performance.

59        (c) Research has consistently shown that the level of  
 60 effectiveness of the instructional personnel and administrators  
 61 in the school is the most important factor in realizing the goal  
 62 of improved academic achievement for each student, classroom by  
 63 classroom and school by school. Based upon this, the retention  
 64 specifically of our most effective instructional personnel and  
 65 administrators should be a priority of all school districts, and  
 66 an appropriate performance-based pay plan must provide for  
 67 significant recognition of the most effective instructional  
 68 personnel and school-based administrators as a component of the  
 69 district's personnel retention and student achievement policies.

70        (d) In addition to individual instructional personnel and  
 71 school-based administrators, all faculty and staff of high-  
 72 performing schools make an important contribution to the school's  
 73 successful performance.

74        (2) INTENT.--

75        (a) It is the intent of the Legislature to establish a  
 76 performance-based pay plan to provide bonuses in recognition of  
 77 the successes achieved by individual instructional and school-  
 78 based administrative personnel on behalf of their students.

79        (b) It is the intent of the Legislature to provide bonuses  
 80 for all faculty and each staff member of high-performing schools,  
 81 in full recognition of the teamwork required at every level of  
 82 operation to attain a Florida School Recognition Program award.

83        (3) PROGRAM PARTICIPATION.--

84        (a) District participation in the performance-based pay  
 85 plan program under this section is voluntary. Participating  
 86 districts may opt to use their performance-based pay plans under  
 87 this section in lieu of or in addition to the performance-pay

88 policy under s. 1012.22(1)(c)4. In order to be eligible for  
 89 funding pursuant to this section, a district school board must  
 90 adopt a performance-based pay plan that provides for an  
 91 assessment and a performance-based pay bonus for each qualifying  
 92 employee based on a professional practices component combined  
 93 with objectively measured, significantly improved performance of  
 94 students assigned to his or her classroom, team, or school, in  
 95 accordance with subsection (4).

96 (b)1. For performance-based pay bonuses, all instructional  
 97 personnel except substitute teachers and all school-based  
 98 administrators shall be eligible and shall not be required to  
 99 apply or make any presentation in order to be assessed for or to  
 100 receive a performance-based pay bonus.

101 2. For school recognition bonuses, all faculty and each  
 102 staff member of the team for a school during the school year for  
 103 which the school received its award for high performance shall be  
 104 automatically eligible.

105 (c) Any charter school that does not follow the district's  
 106 salary schedule may adopt its own performance-based pay plan  
 107 pursuant to the requirements of this section. Charter school  
 108 proposals shall be included with the district plan or may be  
 109 adopted independently if the district does not adopt a plan.

110 (d) The performance-based pay plan adopted pursuant to this  
 111 section shall be subject to negotiation as provided in chapter  
 112 447 except that, if an impasse occurs pursuant to s. 447.403, a  
 113 mediator or special magistrate shall be appointed only if both  
 114 parties agree to seek such appointment. If a party does not agree  
 115 to such appointment, the appointment shall be considered waived  
 116 and the parties shall proceed directly to resolution of the

117 impasse by the district school board pursuant to s.  
 118 447.403(4)(d).

119 (e) That portion of the funds appropriated for each  
 120 district that chooses not to adopt a performance-based pay plan  
 121 pursuant to this section shall be redistributed among the  
 122 participating districts.

123 (f) Performance-based pay plans shall provide for the  
 124 annual disbursement of performance-based pay bonuses for high-  
 125 performing instructional personnel and school-based  
 126 administrators as follows:

127 1.a. The district school board performance-based pay plan  
 128 shall require that in order to be eligible for a performance-  
 129 based pay bonus, each employee shall first meet the assessment  
 130 criteria adopted by the district school board pursuant to the  
 131 professional practices component set forth in paragraph (4)(a).

132 b. Those employees that meet the criteria under sub-sub  
 133 paragraph a. shall qualify for a performance-based pay bonus  
 134 based upon objectively measured, significantly improved  
 135 performance of the students assigned to the employee pursuant to  
 136 the improved student performance component set forth in paragraph  
 137 (4)(b). Significantly improved student performance shall mean a  
 138 three-fourths standard deviation above the prior year district  
 139 average of improved student performance for that employee's grade  
 140 and/or subject area grouping.

141 c. The district school board shall pay each qualifying  
 142 employee who remains employed by a Florida public school, by  
 143 September 1 of the following school year, an equal bonus amount  
 144 up to \$10,000 per individual bonus. The bonuses shall be funded  
 145 from funds annually appropriated.

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146 d. All performance-based pay funds appropriated to the  
147 district shall be fully disbursed annually by the district school  
148 board pursuant to sub-subparagraph c. Funds in excess of the  
149 \$10,000 cap on individual bonuses shall be retained by the  
150 district school board for the following year's bonuses pursuant  
151 to this section.

152 2. Performance-based pay bonuses shall be in addition to  
153 any general increase or other adjustments to salaries made by a  
154 district. Earning or receiving a performance-based pay bonus  
155 shall not adversely affect the opportunity of that high-  
156 performing personnel to qualify for or to receive any other  
157 compensation made generally available to other similarly situated  
158 district school board employees, including, but not limited to,  
159 school recognition bonuses.

160 (g) Bonuses awarded to instructional personnel, school-  
161 based administrators, and all faculty and staff under this  
162 section are not available for contribution to the Florida  
163 Retirement System.

164 (4) ASSESSMENT.--

165 (a) Using assessment criteria adopted by the district  
166 school board, a professional practices component for the  
167 assessment of instructional personnel must be based on the  
168 principal's or principal's designee's assessment of that  
169 personnel and the assessment of school-based administrators must  
170 be based on the district superintendent's or superintendent's  
171 designee's assessment of that personnel. Performance-related  
172 assessment criteria adopted by the district school board for  
173 personnel assessments by principals and district superintendents  
174 shall include, but are not limited to:

175       1. The ability of instructional personnel and school-based  
 176 administrators to maintain appropriate discipline.

177       2. The outstanding knowledge of subject matter of  
 178 instructional personnel, with the ability to plan and deliver  
 179 high-quality instruction in the classroom.

180       3. The outstanding school-based management skills of  
 181 principals and other school-based administrators, including  
 182 recruitment and retention of excellent teachers.

183       4. The ability of instructional personnel and school-based  
 184 administrators to evaluate instructional needs of all students.

185       5. The ability of instructional personnel and school-based  
 186 administrators to establish and maintain a positive collaborative  
 187 relationship with students' families for the purpose of  
 188 increasing student achievement.

189       6. The Florida Educator Accomplished Practices for  
 190 instructional personnel and the Florida Principal Leadership  
 191 Standards for school-based administrators.

192       (b)1. An improved student performance component for the  
 193 assessment of instructional personnel and school-based  
 194 administrators must be based on the objectively measured,  
 195 significant improved performance of students assigned to their  
 196 classrooms, teams, or schools.

197       2. For purposes of this section, improved student  
 198 performance shall be measured by statewide standardized tests or,  
 199 for subjects and grades not measured by the statewide assessment  
 200 program, by national, state, or locally determined testing  
 201 instruments that measure the Sunshine State Standards, curriculum  
 202 frameworks, or course descriptions for the content area assigned  
 203 and grade level taught. Locally determined testing instruments

204 may include districtwide course examinations, industry  
 205 certification examinations, or skill/performance-based  
 206 examinations or adjudications.

207 3. The department shall make available a model methodology  
 208 to assist district school boards' measurement of improved student  
 209 performance in an equitable manner and shall provide technical  
 210 assistance upon request. Methods adopted by district school  
 211 boards to measure improved student performance shall not permit  
 212 an unfair advantage to or an adverse effect upon employees due to  
 213 the achievement level of their students at the time those  
 214 students were assigned to the employee.

215 (5) DUTIES.--

216 (a) District school boards shall inform all employees of  
 217 the criteria and procedures associated with a district's  
 218 performance-based pay plan upon its final adoption by the  
 219 district school board.

220 (b) The department shall provide technical assistance to  
 221 districts for the purpose of aiding the development, revision,  
 222 improvement, and monitoring of performance-based pay plans. The  
 223 technical assistance, model methodology, and best practices  
 224 offered by the department pursuant to this section shall not be  
 225 subject to the requirements of chapter 120.

226 (6) REVIEW OF PERFORMANCE-BASED PAY PLANS.--

227 (a) Each participating district school board shall  
 228 establish a procedure to annually review both the assessment and  
 229 compensation components of its performance-based pay plan to  
 230 determine compliance with this section. After this review and by  
 231 October 1 annually, the district school board shall submit a  
 232 report to the Commissioner of Education and the Auditor General



233 with supporting documentation that will enable verification of  
 234 its compliance with this section in the prior school year.

235 (b) Compliance reviews shall be performed by the Auditor  
 236 General and shall take place within 60 days after October 1  
 237 annually to allow districts to make any revisions that may be  
 238 necessary for compliance in the following school year. The  
 239 Department of Education shall provide assistance to the Auditor  
 240 General as necessary for purposes of verifying compliance. The  
 241 Auditor General shall report substantial noncompliance to the  
 242 State Board of Education which may take appropriate action in  
 243 accordance with law or state board rule.

244 (7) 1008.36 FLORIDA SCHOOL RECOGNITION PROGRAM.--

245 ~~(1) The Legislature finds that there is a need for a~~  
 246 ~~performance incentive program for outstanding faculty and staff~~  
 247 ~~in highly productive schools. The Legislature further finds that~~  
 248 ~~performance based incentives are commonplace in the private~~  
 249 ~~sector and should be infused into the public sector as a reward~~  
 250 ~~for productivity.~~

251 (a)(2) The Florida School Recognition Program is  
 252 established ~~created~~ to provide financial awards to all faculty  
 253 and staff of public schools that:

254 1.(a) Sustain high performance by receiving a school grade  
 255 of "A," making excellent progress; ~~or~~

256 2.(b) Demonstrate exemplary improvement due to innovation  
 257 and effort by improving a letter grade; ~~or-~~

258 3. Demonstrate exemplary improvement, as established by the  
 259 State Board of Education, due to outstanding student learning  
 260 gains within a letter grade by moving up substantially within  
 261 that letter grade.

262  
 263 For the faculty and staff of a school that demonstrates exemplary  
 264 improvement by moving up two or more grades in one year and  
 265 maintaining that grade the following year, the bonuses shall be  
 266 awarded again for that year in recognition of their outstanding  
 267 maintenance of teamwork.

268 ~~(b)(3)~~ All public schools, including charter schools, that  
 269 receive a school grade pursuant to s. 1008.34 are eligible to  
 270 participate in the program.

271 ~~(c)(4)~~ All selected schools shall receive financial awards  
 272 depending on the availability of funds appropriated and the  
 273 number and size of schools selected to receive an award. Funds  
 274 must be distributed to the school's fiscal agent and placed in  
 275 the school's account and must be used for bonuses for all the  
 276 faculty and staff of the school during the school year for which  
 277 the school received its award for high performance in recognition  
 278 of the important role played by every single member of the school  
 279 team ~~purposes listed in subsection (5) as determined jointly by~~  
 280 ~~the school's staff and school advisory council. If school staff~~  
 281 ~~and the school advisory council cannot reach agreement by~~  
 282 ~~November 1, the awards must be equally distributed to all~~  
 283 ~~classroom teachers currently teaching in the school.~~

284 ~~(5) School recognition awards must be used for the~~  
 285 ~~following:~~

286 ~~(a) Nonrecurring bonuses to the faculty and staff;~~

287 ~~(b) Nonrecurring expenditures for educational equipment or~~  
 288 ~~materials to assist in maintaining and improving student~~  
 289 ~~performance; or~~

290 ~~(c) Temporary personnel for the school to assist in~~  
 291 ~~maintaining and improving student performance.~~

292  
 293 ~~Notwithstanding statutory provisions to the contrary, incentive~~  
 294 ~~awards are not subject to collective bargaining.~~

295 (8) RULEMAKING.--The State Board of Education may adopt  
 296 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
 297 section.

298 Section 2. In accordance with the proviso language in  
 299 Specific Appropriation 91 of the 2006-2007 General Appropriations  
 300 Act, chapter 2006-25, Laws of Florida, and section 3 of chapter  
 301 2006-26, Laws of Florida, school districts that did not submit a  
 302 Special Teachers Are Rewarded performance pay plan (STAR Plan) by  
 303 December 31, 2006, and receive State Board of Education approval  
 304 or a request for plan revisions are not eligible to receive STAR  
 305 Plan funds for the 2006-2007 fiscal year. If requesting  
 306 revisions, the state board must identify the specific areas of  
 307 the proposed plan needing revision. Notwithstanding the proviso  
 308 language in Specific Appropriation 91 of the 2006-2007 General  
 309 Appropriations Act, chapter 2006-25, Laws of Florida, and section  
 310 3 of chapter 2006-26, Laws of Florida, a district must submit its  
 311 revised plan by May 1, 2007. The state board shall review the  
 312 revised plan and may either approve the revised plan or deny the  
 313 district eligibility to receive STAR Plan funds for the 2006-2007  
 314 fiscal year. STAR Plan funds shall be considered encumbered upon  
 315 the approval and adoption of a plan by June 30, 2007. STAR Plan  
 316 funds allocated for districts that fail to adopt approved STAR  
 317 Plans by June 30, 2007, shall be redistributed to those districts  
 318 that have approved plans in place by that date. The

319 redistribution calculation shall be verified by the Florida  
 320 Education Finance Program Appropriation Allocation Conference.

321 Section 3. Effective July 1, 2007, subsection (4) of  
 322 section 1008.34, Florida Statutes, is amended to read:

323 1008.34 School grading system; school report cards;  
 324 district grade.--

325 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall  
 326 identify each school's performance as having improved, remained  
 327 the same, or declined. This school improvement rating shall be  
 328 based on a comparison of the current year's and previous year's  
 329 student and school performance data. Schools ~~that improve at~~  
 330 ~~least one grade level~~ are eligible for school recognition awards  
 331 pursuant to s. 1012.225(7), and the faculty and each staff member  
 332 of the awarded school's team shall receive bonuses ~~1008.36~~.

333 Section 4. Effective July 1, 2007, subsection (2) of  
 334 section 1008.341, Florida Statutes, is amended to read:

335 1008.341 School improvement rating for alternative  
 336 schools.--

337 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that  
 338 provide dropout prevention and academic intervention services  
 339 pursuant to s. 1003.53 shall receive a school improvement rating  
 340 pursuant to this section. The school improvement rating shall  
 341 identify schools as having one of the following ratings defined  
 342 according to rules of the State Board of Education:

343 (a) "Improving" means schools with students making more  
 344 academic progress than when the students were served in their  
 345 home schools.

346 (b) "Maintaining" means schools with students making  
 347 progress equivalent to the progress made when the students were

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348 served in their home schools.

349 (c) "Declining" means schools with students making less  
 350 academic progress than when the students were served in their  
 351 home schools.

352  
 353 The school improvement rating shall be based on a comparison of  
 354 student performance data for the current year and previous year.  
 355 Schools that improve at least one level or maintain an  
 356 "improving" rating pursuant to this section are eligible for  
 357 school recognition awards pursuant to s. 1012.225(7) ~~1008.36~~.

358 Section 5. Effective July 1, 2007, paragraph (b) of  
 359 subsection (7) of section 1008.345, Florida Statutes, is amended  
 360 to read:

361 1008.345 Implementation of state system of school  
 362 improvement and education accountability.--

363 (7)

364 (b) Schools that have improved at least two grades, that  
 365 have maintained a grade of "A" for 2 consecutive years, or that  
 366 have moved from a grade of "B" to a grade of "A" and maintained  
 367 the grade of "A" for the following year and that meet the  
 368 criteria of the Florida School Recognition Program pursuant to s.  
 369 1012.225(7) ~~1008.36~~ may be given deregulated status as specified  
 370 in s. 1003.63(5), (7), (8), (9), and (10), in recognition of the  
 371 outstanding teamwork of each faculty and staff member of the  
 372 school.

373 Section 6. Effective July 1, 2007, paragraph (c) of  
 374 subsection (1) of section 1012.22, Florida Statutes, is amended  
 375 to read:

376 1012.22 Public school personnel; powers and duties of the  
 377 district school board.--The district school board shall:

378 (1) Designate positions to be filled, prescribe  
 379 qualifications for those positions, and provide for the  
 380 appointment, compensation, promotion, suspension, and dismissal  
 381 of employees as follows, subject to the requirements of this  
 382 chapter:

383 (c) Compensation and salary schedules.--

384 1. The district school board shall adopt a salary schedule  
 385 or salary schedules designed to furnish incentives for  
 386 improvement in training and for continued efficient service to be  
 387 used as a basis for paying all school employees and fix and  
 388 authorize the compensation of school employees on the basis  
 389 thereof.

390 2. A district school board, in determining the salary  
 391 schedule for instructional personnel, must base a portion of each  
 392 employee's compensation on performance demonstrated under s.  
 393 1012.34, must consider the prior teaching experience of a person  
 394 who has been designated state teacher of the year by any state in  
 395 the United States, and must consider prior professional  
 396 experience in the field of education gained in positions in  
 397 addition to district level instructional and administrative  
 398 positions.

399 3. In developing the salary schedule, the district school  
 400 board shall seek input from parents, teachers, and  
 401 representatives of the business community.

402 4. Beginning with the 2002-2003 fiscal year, each district  
 403 school board must adopt a performance-pay policy for school  
 404 administrators and instructional personnel. The district's

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405 performance-pay policy is subject to negotiation as provided in  
406 chapter 447; however, the adopted salary schedule must allow  
407 school administrators and instructional personnel who demonstrate  
408 outstanding performance, as measured under s. 1012.34, to earn a  
409 5-percent supplement in addition to their individual, negotiated  
410 salary. The supplements shall be funded from the performance-pay  
411 reserve funds adopted in the salary schedule. ~~The Commissioner of~~  
412 ~~Education shall determine whether the district school board's~~  
413 ~~adopted policy and salary schedule complies with the requirement~~  
414 ~~for performance based pay. If the district school board fails to~~  
415 ~~comply with this section, the commissioner may withhold~~  
416 ~~disbursements from the Educational Enhancement Trust Fund to the~~  
417 ~~district and take any other measure provided by law necessary to~~  
418 ~~ensure compliance until compliance is verified.~~

419 5. Beginning with the 2007-2008 academic year, each  
420 district school board shall adopt a salary schedule with  
421 differentiated pay for both instructional personnel and school-  
422 based administrators. The salary schedule is subject to  
423 negotiation as provided in chapter 447 and must allow  
424 differentiated pay based on district-determined factors,  
425 including, but not limited to, additional responsibilities,  
426 school demographics, critical shortage areas, and level of job  
427 performance difficulties.

428 Section 7. Effective July 1, 2007, subsection (3) of  
429 section 1012.28, Florida Statutes, is amended to read:

430 1012.28 Public school personnel; duties of school  
431 principals.--

432 (3) Each school principal is responsible for the  
433 performance of all personnel employed by the district school

434 board and assigned to the school to which the principal is  
435 assigned. The school principal shall faithfully and effectively  
436 apply the personnel appraisal ~~assessment~~ system approved by the  
437 district school board pursuant to s. 1012.34.

438 Section 8. Effective July 1, 2007, subsections (1), (2),  
439 (5), (7), and (8) and paragraphs (a), (b), and (c) of subsection  
440 (3) of section 1012.34, Florida Statutes, are amended to read:

441 1012.34 Personnel appraisal system; ~~Assessment~~ procedures  
442 and criteria.--

443 (1) For the purpose of improving the quality of  
444 instructional, administrative, and supervisory services in the  
445 public schools of the state, the district school superintendent  
446 shall establish procedures for evaluating ~~assessing~~ the  
447 performance of duties and responsibilities of all instructional,  
448 administrative, and supervisory personnel employed by the school  
449 district. The district school board must approve the personnel  
450 appraisal system. The State Board ~~Department~~ of Education must  
451 review ~~approve~~ each district's instructional personnel appraisal  
452 ~~assessment~~ system.

453 (2) The following conditions must be considered in the  
454 design of the district's ~~instructional~~ personnel appraisal  
455 ~~assessment~~ system:

456 (a) The system must be designed to support district and  
457 school level improvement plans.

458 (b) The system must provide appropriate instruments,  
459 procedures, and criteria for continuous quality improvement of  
460 the professional skills of instructional, administrative, and  
461 supervisory personnel.



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462 (c) The system must include a mechanism to give parents an  
463 opportunity to provide input into employee performance appraisals  
464 ~~assessments~~ when appropriate.

465 (d) The system must include the Florida Educator  
466 Accomplished Practices, and ~~In addition to addressing generic~~  
467 ~~teaching competencies,~~ districts must determine those teaching  
468 fields for which special procedures and criteria will be  
469 developed.

470 (e) Each district school board may establish a peer  
471 assistance process. The plan may provide a mechanism for  
472 assistance of persons who are placed on performance probation as  
473 well as offer assistance to other employees who request it.

474 (f) The district school board shall provide training  
475 programs that are based upon guidelines provided by the  
476 Department of Education to ensure that all individuals with  
477 evaluation responsibilities understand the proper use of the  
478 personnel appraisal system ~~assessment~~ criteria and procedures.

479 (g) An appraisal must be conducted for each instructional,  
480 administrative, and supervisory personnel at least once a year.

481 (3) The annual appraisal ~~assessment procedure~~ for  
482 instructional personnel and school administrators must be  
483 substantially ~~primarily~~ based on the demonstrated performance of  
484 students assigned to their classrooms, teams, or schools, as  
485 appropriate. Pursuant to this section, a school district's  
486 performance appraisal ~~assessment~~ is not limited to basing  
487 unsatisfactory performance of instructional personnel and school  
488 administrators upon student performance, but may include other  
489 criteria approved to evaluate ~~assess~~ instructional personnel and  
490 school administrators' performance, or any combination of student

491 performance and other approved criteria. The procedures must  
 492 comply with, but are not limited to, the following requirements:

493 (a) ~~An assessment must be conducted for each employee at~~  
 494 ~~least once a year.~~ The appraisal assessment must be based upon  
 495 sound educational principles and contemporary research in  
 496 effective educational practices. The appraisal assessment must  
 497 ~~primarily~~ use data and indicators of improvement in student  
 498 performance assessed annually ~~as specified in s. 1008.22~~ and may  
 499 consider results of peer reviews in evaluating the employee's  
 500 performance. Student performance must be measured by state  
 501 assessments for subjects and grade levels measured by the state  
 502 assessment program required under s. 1008.22 and by national,  
 503 state, or local assessments for subjects and grade levels not  
 504 measured by the state assessment program. The assessments  
 505 selected for the personnel appraisal system must allow for the  
 506 relative effectiveness of similarly assigned personnel to be  
 507 evaluated. The personnel appraisal assessment criteria must  
 508 include, but are not limited to, indicators that relate to the  
 509 following:

- 510 1. The Florida Educator Accomplished Practices for  
 511 instructional personnel and the Florida Principal Leadership  
 512 Standards for administrative and supervisory personnel.  
 513 ~~Performance of students.~~
- 514 2. Ability to maintain appropriate discipline.
- 515 3. Knowledge of subject matter. ~~The district school board~~  
 516 ~~shall make special provisions for evaluating teachers who are~~  
 517 ~~assigned to teach out of field.~~
- 518 4. Ability to plan and deliver instruction and the use of  
 519 technology in the classroom for instructional personnel and

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520 school-based management skills for administrative and supervisory  
521 personnel.

522 5. Ability to evaluate instructional needs.

523 6. Ability to establish and maintain a positive  
524 collaborative relationship with students' families to increase  
525 student achievement.

526 7. Other professional competencies, responsibilities, and  
527 requirements as established by ~~rules of the State Board of~~  
528 ~~Education and~~ policies of the district school board.

529 (b) All personnel must be fully informed of the criteria  
530 and procedures associated with the appraisal ~~assessment~~ process  
531 before the appraisal ~~assessment~~ takes place.

532 (c) The individual responsible for supervising the employee  
533 must evaluate ~~assess~~ the employee's performance. The evaluator  
534 must submit a written report of the appraisal ~~assessment~~ to the  
535 district school superintendent for the purpose of reviewing the  
536 employee's contract. The evaluator must submit the written report  
537 to the employee no later than 10 days after the appraisal  
538 ~~assessment~~ takes place. The evaluator must discuss the written  
539 report of appraisal ~~assessment~~ with the employee. The employee  
540 shall have the right to initiate a written response to the  
541 appraisal ~~assessment~~, and the response shall become a permanent  
542 attachment to his or her personnel file.

543 (5) The district school superintendent shall develop a  
544 mechanism for evaluating the effective use of appraisal  
545 ~~assessment~~ criteria and evaluation procedures by administrators  
546 who are assigned responsibility for evaluating the performance of  
547 instructional personnel. The use of the appraisal ~~assessment~~ and  
548 evaluation procedures shall be considered as part of the annual

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549 appraisal ~~assessment~~ of the administrator's performance. The  
550 system must include a mechanism to give parents and teachers an  
551 opportunity to provide input into the administrator's performance  
552 appraisal ~~assessment~~, when appropriate.

553 (7) The district school board shall establish a procedure  
554 annually reviewing the instructional personnel appraisal system  
555 ~~assessment systems~~ to determine compliance with this section. All  
556 substantial revisions to an approved system must be reviewed and  
557 approved by the district school board before being used to  
558 evaluate ~~assess~~ instructional personnel. Upon request by a school  
559 district, the department shall provide assistance in developing,  
560 improving, or reviewing an appraisal ~~assessment~~ system.

561 (8) The State Board of Education may ~~shall~~ adopt rules  
562 pursuant to ss. 120.536(1) and 120.54, that establish uniform  
563 guidelines for the submission, review, and approval of district  
564 procedures for the annual appraisal ~~assessment~~ of instructional,  
565 administrative, and supervisory personnel and that include  
566 criteria for evaluating professional performance.

567 Section 9. By May 1, 2008, all school districts must have  
568 developed and be able to administer end-of-course examinations in  
569 all grade groupings and subject areas.

570 Section 10. The Legislature shall appropriate the necessary  
571 funding for an actuarial study to determine the viability and  
572 cost of making bonuses a part of the Florida Retirement System.

573 Section 11. Except as otherwise expressly provided in this  
574 act, this act shall take effect upon becoming a law.