

Florida

Law Analyzed	SB 736
Date Passed	March 2011
Overall Rating	9.75

Florida's SB 736 was passed in March 2011, with the support of recently-elected Governor Rick Scott (R) and Republican legislative leadership, after former Governor Charlie Crist vetoed a similar bill in the previous legislative session.





SB 736 mandates annual teacher evaluations based at least 50 percent on student learning growth, and requires the State Board of Education to set regulations for teacher evaluations. The legislation also links tenure to effectiveness for new teachers, requires the dismissal of teachers who repeatedly receive poor evaluations, and requires districts to establish performance-based compensation schemes that enable teachers who give up tenure and demonstrate effectiveness in evaluations to receive higher levels of compensation.

A potential area for improvement in Florida law related to teacher effectiveness is preventing students from being taught by ineffective teachers in consecutive years—something the law does not currently address. Some observers are also concerned that the law's highly-prescriptive provisions related to evaluation and dismissal of low-performing teachers may represent an excessive intrusion on local flexibility and autonomy—particularly for charter schools, which are not exempt from these requirements.



Florida

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes, and new teachers are evaluated twice.	●
Are principals, as well as teachers, evaluated?	Yes.	●
Is evidence of student learning a factor in teacher evaluations?	Yes. At least 50 percent of evaluation must be based on data and indicators of student learning growth (in some cases 40 percent). The State Board of Education shall adopt rules to ensure a minimum standard of student learning growth, below which teachers must receive an unsatisfactory rating, and minimum growth standards for effective and highly-effective ratings. Other factors in evaluation include instructional practice aligned with Florida Educator Accomplished Practices, and professional responsibilities.	●
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: highly-effective, effective, needs improvement (or developing, for instructional personnel in the first three years of employment), and unsatisfactory.	●
Are parents and the public provided clear information about teacher effectiveness?	Yes. The department of Education issues annual report on the percentage of teachers receiving each performance rating, disaggregated by school and district. Each school district shall annually report to the parents of any student assigned to a teacher who has received two consecutive “unsatisfactory” ratings, two “unsatisfactory” ratings in the last three years, three consecutive “needs improvement” ratings, or a combination of “unsatisfactory” and “needs improvement” ratings over three consecutive years.	● ○
Are educator preparation programs accountable for graduates' effectiveness?	No.	

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Criteria	Explanation	Score
Is tenure linked to effectiveness?	The law eliminates tenure for new and not-yet tenured teachers. Teachers who currently have tenure may choose to retain tenure and the current salary schedule, or may give up tenure and switch to a new performance salary schedule, which offers the potential for higher compensation.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Yes. The law requires teachers to be dismissed if they receive two consecutive “unsatisfactory” ratings, two “unsatisfactory” ratings in a three year period, three consecutive “needs improvement” ratings, or a combination of “needs improvement” and “unsatisfactory” ratings over three consecutive years. The law streamlines the process for teacher dismissal, allowing appeal and a hearing by either the school board or an administrative law judge, but the school board’s vote is final in either case.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Workforce reductions must be based on performance evaluations. Districts may not prioritize seniority in layoff decisions. It is unclear what factors may be used as a tie-breaker when two teachers have the same performance rating.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The requirement for workforce reductions based on performance evaluation applies to reductions at school level. It does not provide for dismissal of teachers who fail to gain positions through principal consent. Placement and recall for teachers who lose a position due to school-level reduction are subject to collective bargaining.	

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Do principals have authority to decide who teaches in their schools?	Principals may refuse to accept the placement or transfer of a teacher unless the teacher has a performance rating of “effective” or “highly-effective.”	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	Legislation requires all districts to establish a “performance salary schedule” that provides the greatest salary increments to teachers rated “highly-effective,” provides “effective” teachers with salary increments of 50-75 percent of the amount provided to “highly-effective” teachers, and does not provide annual salary increments to teachers who receive any other rating. The annual salary adjustment given to teachers rated “highly-effective” must be greater than that given to any other teacher on any other salary schedule used by the district. Salary schedule must provide incentives to teachers assigned to a Title I school or school in the lowest two levels of the school improvement system, teachers in critical shortage areas, and teachers who take on additional academic responsibilities.	