

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.0411
 RULE TITLE: Calculations of Student Learning Growth Using Statewide Assessment Data for Use in School Personnel Evaluations

PURPOSE AND EFFECT: The purpose of this rule development is to fulfill requirements under Section 1012.34, Florida Statutes, to adopt the student growth formula(s) for use with statewide assessment data and to set standards for student growth performance that must be met for personnel to earn specified performance ratings on annual evaluations. It is anticipated that this rule will be revised annually as new formulas and performance standards are adopted for statewide assessments, including but not limited to, the Florida Comprehensive Achievement Test (FCAT), End-of-Course Examinations, and the Florida Alternate Assessment.

SUBJECT AREA: Calculations of student learning growth using statewide assessment data for use in school personnel evaluations.

RULEMAKING AUTHORITY: 1012.34 FS.

LAW IMPLEMENTED: 1012.34 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 17, 2012, 3:00 p.m. – 4:00 p.m.

PLACE: Via conference call: 1(888)808-6959. Conference ID# is 2469406852. The conference call will begin at 3:00 p.m. and last for a minimum of 30 minutes but will conclude after 30 minutes if no additional callers are on the line.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juan Copa, Director of Research and Analysis in Educator Performance, (850)245-0509 or Juan.Copa@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.0411 Calculations of Student Learning Growth Using Statewide Assessment Data for Use in School Personnel Evaluations.

(1) Purpose. The purpose of this rule is to provide the formulas for measuring student learning growth and procedures associated with implementing the formulas.

(2) Formulas for measuring student learning growth.

(a) For each formula adopted under this rule, the Department shall publish on its website a document that includes the formula's class, the mathematical equation, a description of the variables or components in the formula, and

a description of the process for developing the formula. The Department shall also publish on its website a report that includes the full statistical description of the formula, the methods of calculation used with the formula and the results of calculations used to develop the model.

(b) Student learning growth formula for use with Florida Comprehensive Assessment Test (FCAT).

1. The formula for measuring student learning growth beginning in the 2011-12 school year using student FCAT Reading and Mathematics results is a value-added model from the class of covariate adjustment models. A value-added model is a statistical calculation employed for the purpose of determining an individual teacher's or principal's contribution to student learning. Mathematically, the formula for this model

is $y_i = \mu + \sum_{g=1}^M \delta_g x_g + \sum_{j=1}^K \beta_j x_j + \theta_{(k)i} + \omega_{(m)i} + \epsilon_i$, where y_i

denotes the test score for student i , δ_g is the coefficient associated with g^{th} prior test score, β_j is the coefficient associated with variable j , θ is the common school component

of school k assumed $\theta \sim N(0, \sigma_\theta^2)$, ω is the effect of

teacher m in school k assumed $\omega \sim N(0, \sigma_\omega^2)$, and

ϵ is the random error term assumed $\epsilon \sim N(0, \sigma_\epsilon^2)$.

2. The value-added model estimates a student's performance based on variables, which represent student, classroom, and school characteristics. The variables included in the value-added model are:

a. The number of subject-relevant courses in which the student is enrolled. This variable counts, for each student, the number of courses he or she is enrolled in that are associated with FCAT Reading and Mathematics. The courses associated with the subjects of the state assessment will be published by the Department on its website at <http://www.fldoe.org/committees/sg.asp>.

b. Up to two (2) prior years of achievement scores for each student. This variable captures each student's most immediate prior scale score on FCAT, as well as the student's scale score from two (2) years prior, if available.

c. The student's primary disability. This is a series of variables, each which identifies a student's primary disability.

d. The student's English Language Learner (ELL) status. This variable indicates if the student has been identified as an ELL and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of ELL students for two (2) years or less.

e. Gifted status. This variable indicates if the student has been identified as Gifted or not.

f. Student attendance. This variable is an indicator of the days the student was present during the school year.

g. Student mobility. This variable is an indicator of the number of transitions a student experienced across schools within a school year.

h. Difference from modal age in grade. This variable indicates the difference in a student's age from the common age for students enrolled in the same grade across the state and is included as an indicator of retention.

i. Class size. This variable is a count of the number of students assigned to the teacher.

j. Homogeneity of students' entering test scores in the class. This variable indicates the variation within a classroom in terms of students' prior test performance.

3. The formula produces a value-added score for a teacher. A teacher's value-added score reflects the average amount of learning growth of the teacher's students above or below the expected learning growth of similar students in the state, using the variables accounted for in the model and listed above in subparagraph 2. of this rule. The teacher's value-added score is expressed as the sum of two (2) components: one that reflects how much the school's students on average gained above or below similar students in the state (a common school component), and another that reflects how much the teacher's students on average gained above or below similar students within the school (a teacher component). Fifty (50) percent of the common school component is included in the teacher's value-added score.

(c) When student performance data from each statewide assessment for which a formula has been adopted are received by the Department, the Department shall calculate the results of each student growth formula and provide the results to each district for the district's instructional and school administrator personnel. Results provided to districts shall include the following information for each state assessment for which a formula has been adopted:

1. A value-added score for each instructional personnel employee for the current school year for each grade and subject of the state assessment based on any courses that the employee taught which are associated with that state assessment.

2. An aggregate value-added score for each instructional personnel employee and school administrator in the district, which combines all value added results from all courses and assigned students. An employee's aggregated value-added score will include data for that employee from the current school year and each of the two (2) prior years for which data are available.

3. The standard error for each value-added score.

4. For each employee, the number and percentage of students assigned to the employee who met or exceeded their expected growth as calculated by the value-added model.

(3) Performance Level Standards. In accordance with Section 1012.34, Florida Statutes, standards must be set for the Performance of Students criterion for use in instructional and

school administrator personnel evaluations. Specifically, for each of the performance levels of highly effective and effective, a student growth standard must be set for each statewide assessment that an individual who is being evaluated must at least achieve to be considered by the district as earning that performance level as a summative evaluation rating. In addition, a student growth standard must be set for each statewide assessment that, if not exceeded, will cause an individual who is being evaluated to earn from the district a summative rating of unsatisfactory.

(a) Beginning in the 2012-13 school year, each district school board will implement the performance level standards for each statewide assessment adopted under this rule.

(b) The Department must make recommendations to the State Board for performance standards applicable to a statewide assessment no later than August 1 of the school year during which those standards must be used by each school district.

Rulemaking Authority 1012.34 FS. Law Implemented 1012.34 FS. History--New_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:

RULE TITLE:

40C-2.101

Publications Incorporated by Reference

PURPOSE AND EFFECT: This rule development will address the development and amendment of consumptive use permit criteria and conditions relating to the reuse of reclaimed water. The purpose of the rule development is to implement the provisions of Sections 373.250(3)(c)-(d) of the Florida Statutes, which mandate rules to require that permit applicants provide written documentation from a reuse utility on the availability of reclaimed water. The effect of this process will be the development of proposed rule amendments to Chapter 40C-2, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water (incorporated by reference in subsection 40C-2.101(1), F.A.C.). The amendments will ensure that each permit applicant provides written documentation from a reuse utility on the availability of reclaimed water and will specify the content of the documentation required, including enough information on the availability and costs associated with the connection to and the use of reclaimed water, to facilitate the permit applicant's evaluation of reclaimed water feasibility.

SUBJECT AREA TO BE ADDRESSED: Consumptive use permit criteria and conditions applicable to the required documentation from a reuse utility on the availability of reclaimed water, and the specific content required for such documentation, as part of a permit applicant's evaluation of reclaimed water feasibility. Members of the District's Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.216, 373.219, 373.223, 373.229, 373.250, 373.239 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 1, 2012, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Environmental Protection, Northeast District, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

DATE AND TIME: February 2, 2012, 10:00 a.m. – 12:00 Noon

PLACE: City of Sanford, 300 North Park Avenue, Sanford, Florida 32771

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)326-3026, email address wgaylord@sjrwmd.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)326-3026, email address wgaylord@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference parts I, II, and III, the “Water Conservation Public Supply” requirements in Appendix I, and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” in Appendix L of the document entitled “Applicant’s Handbook, Consumptive Uses of Water,” *(effective date)* 12-27-10. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District’s administration of the consumptive use permitting program.

(2) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.073, 373.079, 373.083, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, 12-27-10, _____.

APPLICANT’S HANDBOOK SECTIONS

10.3 Reasonable ~~B~~beneficial Use Criteria

(a) through (e) No change.

(f) When reclaimed water is readily available it must be used in place of higher quality sources unless the applicant demonstrates that its use is ~~either not~~ economically, environmentally, or technologically infeasible.

In determining whether reclaimed water is readily available, the District will consider the following factors:

(1) through (3) No change.

(4) any other relevant information, including the documentation required in paragraph 5 immediately below.

(5) Applicants for withdrawals to be located within an area depicted by the District on its website as an area that is or may be served with reclaimed water by a reuse utility within five years from the date of application shall provide written documentation from the applicable reuse utility, addressing the availability of reclaimed water. The applicant shall request the reuse utility to provide a letter stating that reclaimed service is not available, or providing the following information:

1) Whether a reclaimed water distribution line is at the applicant’s property boundary. If not, provide the following:

a) An estimate of the distance in feet from the applicant’s property to the nearest potential connection point to a reuse line.

b) The date the reuse utility anticipates bringing the connection to the applicant’s property boundary.

2) If reclaimed water is available at the property boundary:

a) The peak, minimum, and annual average daily quantity in gallons per day of reclaimed water supply available from the nearest potential connection point, as well as expected average monthly quantities.

b) The reliability of the potential reclaimed water supply (i.e., on-demand 24/7, or bulk-interruptible diurnal or seasonal, length of supply agreement, or other basis).

c) The typical operating pressures at which the reuse utility will provide reclaimed water at the nearest connection point to the applicant’s property, including any typical seasonal or other fluctuations in the operating pressure.

3) All costs associated with the applicant’s use of reclaimed water:

a) The reclaimed water rate or rates the reuse utility would charge the applicant (e.g., the cost per 1000 gallons) and any other periodic fixed or minimum charges for use of reclaimed water by the applicant.

b) Any other one-time charges for the connection to the reuse.

c) Whether the reuse utility helps fund potential reclaimed customers' costs to connect to the reclaimed line or convert its operation to use reclaimed water.

4) The water quality parameters of the reclaimed water for the constituents that the applicant identifies as pertinent to the intended use.

5) Any additional information the reuse utility thinks the applicant should consider in evaluating the economic, environmental, or technical feasibility of its using reclaimed water, including any reclaimed water availability charges the reuse utility would impose if the applicant chose not to connect to the reclaimed water system.

If the reuse utility fails to respond or does not provide the information within 30 days after receipt of the applicant's request, the applicant shall provide the District a copy of the applicant's written request and a statement that the utility failed to provide the requested information. If the reuse utility provides a partial response, the applicant shall also provide that to the District.

Rulemaking Authority 1012.34 FS. Law Implemented 1012.34 FS. History--New _____.

Section II Proposed Rules

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NOS.:	RULE TITLES:
64B-1.003	Examination Administration
64B-1.005	Special Testing Accommodations
64B-1.008	Grading of Examinations; Grade Notification
64B-1.011	Requirements and Standards of a National Examination
64B-1.013	Post-Examination Review
64B-1.016	Fees: Examination and Post-Examination Review

PURPOSE AND EFFECT: To establish examination fees and procedures for the development, administration, security, grading, and review, of examinations used to measure the minimum competency of applicants for health care practitioner licensure.

SUMMARY: This chapter provides requirements for licensure examinations used to measure minimum competency of healthcare practitioners.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1.2. and 3., F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.004(5), (10), 456.017(1)(a), (b), (c), (d), (f), 456.017(2), (6), (7) FS.

LAW IMPLEMENTED: 456.004(10), 456.017(1), (2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Wenhold, 4052 Bald Cypress Way, Bin #C-90, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.003 Examination Administration.

Unless the national examination requires a different set of administration procedures, the following procedures shall be followed for any examination administered by the department or its contract provider.

(1) All examinations will be administered in accordance with the department's "General Administration Manual for Examinations," ~~2011~~ ~~2009~~, incorporated herein by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Practitioner Reporting and Examination Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290.

(2) through (9) No change.

Rulemaking Authority 456.004(5), 456.017(1)(a), (d), (f) FS. Law Implemented 456.017(1) FS. History--New 9-7-98, Amended 7-20-03, 3-26-07, 4-7-08, 9-30-09, _____.

64B-1.005 Special Testing Accommodations.

(1) through (2) No change.

(3)(a) Candidates requesting special testing accommodation due to a disability shall file a request for special testing accommodation no later than sixty (60) days