

By the Committees on Ways and Means, Education and Senators  
Horne and Dyer

301-1939A-98

1                                   A bill to be entitled  
2           An act relating to education; creating s.  
3           236.08106, F.S., relating to the Excellent  
4           Teaching Program; providing legislative  
5           findings and intent; authorizing monetary  
6           incentives and bonuses for teaching excellence;  
7           providing for annual allocations to districts;  
8           providing fee subsidies and conditions for  
9           repayment of subsidies for participating in the  
10          certification program of the National Board of  
11          Professional Teaching Standards; requiring the  
12          distribution of certain monetary bonuses to  
13          teachers; providing eligibility criteria;  
14          requiring release time for certain activities;  
15          requiring certain district expenditures for  
16          professional development of teachers; amending  
17          s. 236.081, F.S.; authorizing categorical  
18          funding for the Excellent Teaching Program;  
19          amending s. 231.173, F.S., relating to  
20          certification of experienced out-of-state  
21          teachers and administrators; deleting a  
22          requirement for superintendents to request  
23          certification; providing for issuance of a  
24          professional certificate to individuals  
25          certified by the National Board of Professional  
26          Teaching Standards; conforming provisions;  
27          amending s. 231.24, F.S.; authorizing renewal  
28          of certificates through national certification;  
29          providing an effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Section 236.08106, Florida Statutes, is  
2 created to read:

3           236.08106 Excellent Teaching Program.--

4           (1) The Legislature recognizes that teachers play a  
5 critical role in preparing students to achieve the high levels  
6 of academic performance expected by the Sunshine State  
7 Standards. The Legislature further recognizes the importance  
8 of identifying and rewarding teaching excellence and of  
9 encouraging good teachers to become excellent teachers. The  
10 Legislature finds that the National Board of Professional  
11 Teaching Standards (NBPTS) has established high and rigorous  
12 standards for accomplished teaching and has developed a  
13 national voluntary system for assessing and certifying  
14 teachers who demonstrate teaching excellence by meeting those  
15 standards. It is therefore the Legislature's intent to provide  
16 incentives for teachers to seek NBPTS certification and to  
17 reward teachers who demonstrate teaching excellence by  
18 attaining NBPTS certification and sharing their expertise with  
19 other teachers.

20           (2) The Excellent Teaching Program is created to  
21 provide categorical funding for monetary incentives and  
22 bonuses for teaching excellence. The Department of Education  
23 shall allocate and distribute to each school district an  
24 amount as prescribed annually by the Legislature for the  
25 Excellent Teaching Program. Unless otherwise provided in the  
26 General Appropriations Act, each school district's annual  
27 allocation shall be the sum of the amounts earned for the  
28 following incentives and bonuses:

29           (a) A fee subsidy to be paid by the school district to  
30 the NBPTS on behalf of each individual who is an employee of  
31 the district school board or a public school within that

1 school district, who satisfies the prerequisites for  
2 participating in the NBPTS certification program, and who  
3 agrees, in writing, to pay 10 percent of the NBPTS  
4 participation fee and to participate in the NBPTS  
5 certification program during the school year for which the fee  
6 subsidy is provided. The fee subsidy for each eligible  
7 participant shall be an amount equal to 90 percent of the fee  
8 charged for participating in the NBPTS certification program,  
9 but not more than \$1,800 per eligible participant. The fee  
10 subsidy is a one-time award and may not be duplicated for any  
11 individual.

12 (b) Funding for substitute teachers' salaries to  
13 provide 3 days of release time to each teacher participating  
14 in the NBPTS certification program. The employing school  
15 district or public school shall provide at least 3 days of  
16 release time during the school year to allow each  
17 participating teacher to prepare a portfolio and engage in  
18 other activities for the NBPTS certification program.

19 (c) An annual bonus equal to 10 percent of the prior  
20 fiscal year's statewide average salary for classroom teachers  
21 to be paid to each individual who holds NBPTS certification  
22 and is employed by the district school board or by a public  
23 school within that school district. The district school board  
24 shall distribute the annual bonus to each individual who  
25 demonstrates satisfactory teaching performance pursuant to s.  
26 231.29 and who meets the requirements of this paragraph as a  
27 single payment or divided into not more than three payments.

28 (d) An annual bonus equal to 10 percent of the prior  
29 fiscal year's statewide average salary for classroom teachers  
30 to be paid to each individual who meets the requirements of  
31 paragraph (c) and agrees, in writing, to provide the

1 equivalent of 12 workdays of mentoring and related services to  
2 public school teachers within the district who do not hold  
3 NBPTS certification. The district school board shall  
4 distribute the annual bonus in a single payment following the  
5 completion of all required mentoring and related services for  
6 the year. It is not the intent of the Legislature to remove  
7 excellent teachers from their assigned classrooms, therefore,  
8 credit may not be granted by a school district or public  
9 school for mentoring or related services provided during the  
10 regular school day or during the 196 days of required service  
11 for the school year.

12 (e) The district shall receive an amount equal to 50  
13 percent of the teacher bonuses provided under paragraph (c)  
14 and (d), which shall be used by the district for professional  
15 development of teachers. The district must use all funds  
16 received pursuant to this paragraph for professional  
17 development of teachers employed at schools identified as  
18 performing at critically low levels.

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20 A teacher for whom the state pays the certification fee and  
21 who does not complete the certification program or does not  
22 teach in a public school of this state for a least 1 year  
23 after completing the certification program must repay the  
24 amount of the certification fee to the state. However, a  
25 teacher who completes the certification program but fails to  
26 be awarded NBPTS certification is not required to repay the  
27 amount of the certification fee if the teacher meets the  
28 1-year teaching requirement. Repayment is not required of a  
29 teacher who does not complete the certification program or  
30 fails to fulfill the teaching requirement because of the

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1 teacher's death or disability or because of other extenuating  
2 circumstances as determined by the State Board of Education.

3 Section 2. Paragraph (a) of subsection (5) of section  
4 236.081, Florida Statutes, as amended by chapter 97-380, Laws  
5 of Florida, is amended to read:

6 236.081 Funds for operation of schools.--If the annual  
7 allocation from the Florida Education Finance Program to each  
8 district for operation of schools is not determined in the  
9 annual appropriations act or the substantive bill implementing  
10 the annual appropriations act, it shall be determined as  
11 follows:

12 (5) CATEGORICAL PROGRAMS.--The Legislature hereby  
13 provides for the establishment of selected categorical  
14 programs to assist in the development and maintenance of  
15 activities giving indirect support to the programs previously  
16 funded. These categorical appropriations may be funded as  
17 general and transitional categorical programs. It is the  
18 intent of the Legislature that no transitional categorical  
19 program be funded for more than 4 fiscal years from the date  
20 of original authorization. Such programs are as follows:

21 (a) General.--

22 1. Comprehensive school construction and debt service  
23 as provided by law.

24 2. Community schools as provided by law.

25 3. School lunch programs as provided by law.

26 4. Instructional material funds as provided by law.

27 5. Student transportation as provided by law.

28 6. Student development services as provided by law.

29 7. Diagnostic and learning resource centers as  
30 provided by law.

31 8. Comprehensive health education as provided by law.

1           9. Excellent Teaching Program as provided by law.  
2           (b) Transitional.--  
3           1. Bilingual program as provided by law.  
4           Section 3. Section 231.173, Florida Statutes, is  
5 amended to read:  
6           231.173 Successful experienced out-of-state teachers  
7 and administrators.--  
8           (1) Notwithstanding the provisions of ss. 231.02,  
9 231.15, and 231.17, ~~and 231.172~~ or any other provision of law  
10 or rule to the contrary, a successful, experienced, ~~and~~  
11 ~~certified~~ out-of-state teacher or administrator qualifies  
12 ~~employed in a public school or nonpublic school in this state~~  
13 ~~may qualify~~ for a professional certificate if the applicant:  
14           (a)(1) Completes the application process, including  
15 the filing of a complete set of fingerprints as required by s.  
16 231.02.  
17           (b)(2) Holds a valid standard certificate issued by  
18 the state where the applicant most recently taught, which  
19 standard certificate is equivalent to the professional  
20 certificate issued by this state and for which specialization  
21 coverage is based on a level of training comparable to that  
22 required in this state for the specialization coverage sought  
23 by the applicant ~~applicant's area of assignment~~.  
24           (c)(3) Documents 5 years of appropriate successful  
25 full-time teaching or administrative experience in another  
26 state, including 2 continuous years during the 5-year period  
27 immediately preceding the date of application for  
28 certification.  
29           (2) An out-of-state applicant qualifies for a  
30 professional certificate if the applicant meets the  
31 requirements of paragraphs (1)(a) and (b) and holds a valid

1 certificate issued by the National Board of Professional  
2 Teaching Standards.

3 ~~(4) Submits a request for issuance of the professional~~  
4 ~~certificate from the superintendent of the employing school~~  
5 ~~district or governing authority of the employing developmental~~  
6 ~~research school, state-supported school, or nonpublic school~~  
7 ~~within the first 120 days of assignment with validation of~~  
8 ~~awareness of the standards of professional practice.~~

9 (3)(5) The professional certificate issued in  
10 accordance with subsection (1) ~~these provisions~~ shall reflect  
11 specialization coverages as follows:

12 (a) Teachers.--An applicant ~~A teacher appointed to an~~  
13 ~~academic assignment~~ shall be eligible for the academic  
14 coverage in an area in which the teacher is assigned to teach  
15 in a public school or nonpublic school in this state or in the  
16 area of the applicant's certification by the National Board of  
17 Professional Teaching Standards.

18 (b) Principals.--An individual appointed as an intern  
19 or interim principal of a public or nonpublic K-12 school in  
20 this state shall be eligible for the educational leadership  
21 coverage.

22 (c) Administrators of adult education.--An individual  
23 appointed as an administrator of an adult education program at  
24 a public or nonpublic school in this state shall be eligible  
25 for the administration of adult education coverage.

26 (d) Directors of career education.--An individual  
27 appointed as a director of career education at a public or  
28 nonpublic school in this state shall be eligible for the  
29 director of career education coverage.

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1           Section 4. Subsection (2) and paragraph (b) of  
2 subsection (3) of section 231.24, Florida Statutes, are  
3 amended to read:

4           231.24 Process for renewal of professional  
5 certificates.--

6           (2) All professional certificates, except a  
7 nonrenewable professional certificate, shall be renewable for  
8 successive periods not to exceed 5 years after the date of  
9 submission of documentation of completion of the requirements  
10 for renewal provided in subsection (3). Only one renewal may  
11 be granted during each 5-year validity period of a  
12 professional certificate, except that a teacher with national  
13 certification from the National Board for Professional  
14 Teaching Standards is deemed to meet state renewal  
15 requirements for the life of the teacher's national  
16 certificate. However, if the renewal application form is not  
17 received by the department or by the employing school district  
18 before the expiration of the professional certificate, the  
19 application form, application fee, and a late fee must be  
20 submitted before July 1 of the year following expiration of  
21 the certificate in order to renew the professional  
22 certificate. The state board shall adopt rules to allow a  
23 1-year extension of the validity period of a professional  
24 certificate in the event of serious illness, injury, or other  
25 extraordinary extenuating circumstances of the applicant. The  
26 department shall grant such 1-year extension upon written  
27 request by the applicant or by the superintendent of the local  
28 school district or the governing authority of a developmental  
29 research school, state-supported school, or nonpublic school  
30 that employs the applicant.

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1 (3) For the renewal of a professional certificate, the  
2 following requirements must be met:

3 (b) In lieu of college course credit or inservice  
4 points, the applicant may renew a specialization area by  
5 passage of a state board approved subject area test, by  
6 completion of the national certification from the National  
7 Board for Professional Teaching Standards in that  
8 specialization area, or by completion of a department approved  
9 summer work program in a business or industry directly related  
10 to an area of specialization listed on the certificate. The  
11 state board shall adopt rules providing for the approval  
12 procedure.

13 Section 5. This act shall take effect July 1, 1998.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
16 COMMITTEE SUBSTITUTE FOR  
17 CS/SB 2156 and 1910

18 The Committee Substitute for CS/SB 2156 and 1910 differs from  
19 CS/SB 2156 and 1910 as follows:

20 The word "reward" is replaced with the word "bonus" to clarify  
21 that the cash amount awarded to National Certificate teachers  
22 is not part of the salary schedule.

23 The provision of 2 days of release time for mentoring purposes  
24 is deleted since mentoring is to take place outside the 196  
25 day contract year.

26 It provides that the bonus payment to National Certificate  
27 teachers for mentoring services will be made in one payment  
28 after the services have been performed.

29 It provides that National Certificate teachers continue to  
30 receive annual bonuses as long as their teaching performance  
31 is satisfactory.

The provision for stipends for teachers receiving mentoring  
services is deleted.