

**STORAGE NAME:** h4299a.ed

**DATE:** April 15, 1998

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
EDUCATION APPROPRIATIONS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 4299

**RELATING TO:** Teachers

**SPONSOR(S):** Representative Sublette

**COMPANION BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION K-12 YEAS 10 NAYS 0
  - (2) EDUCATION APPROPRIATIONS YEAS 15 NAYS 1
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

The bill creates the Florida Outstanding Teacher Program. This program provides a \$2,000 award to full-time classroom teachers in recognition of teaching effectiveness and efforts at increasing student learning.

The bill establishes parent and peer nominating panels, eligibility criteria, nomination procedures, recipient selection and monetary awards.

This program will be implemented only to the extent funded in the General Appropriations Act.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

School boards are required to adopt a salary schedule or schedules to be used as a basis for paying all school employees. (s. 230.23(5)(c), F.S.) The salary schedules must be designed to provide, to whatever extent practicable, incentives for improvement in training and for continued and efficient service.

School boards recognize district employees who have contributed outstanding and meritorious service in their respective fields or areas. (s. 230.23(5)(g), F.S.) Monetary awards are limited to persons who propose procedures or ideas which are adopted by the school boards and result in a reduction in school board expenditures or improved district or school center operations. Nonmonetary awards may include, but are not limited to, certificates, plaques, medals, ribbons, and photographs. The school board is authorized to expend funds for such recognition and awards, not to exceed \$2,000, or ten percent of the first year's gross savings, whichever is greater.

In 1997, the Legislature passed HB 703, chapter 97-212, L.O.F., regarding merit pay and merit schools. The bill requires district school boards, in determining salary schedules for instructional personnel, to base a portion of each employee's compensation on performance demonstrated under s. 231.29, F.S., and to consider the prior teaching experience of a person who has been designated state teacher of the year. HB 703 also created the Florida School Recognition Program which provides financial awards to selected faculty and staff of identified schools. Schools are selected in recognition of high performance or exemplary improvement based on school data and statewide data. Once the schools have been selected for final recognition, the financial awards are distributed based on employee performance criteria established in district school board policy.

In 1961, the state created a program of competency awards for teacher and other instructional personnel to "recognize and provide financial compensation for outstanding contributions to the process of learning and for exceptional results in teaching." (Chapter 61-263, section 1, L.O.F.) Those meeting the eligibility requirements were paid a competency award of \$400. This law was repealed in 1963.

In 1983, the state established a merit pay program designed to compensate teachers differentially based on performance rather than seniority. (Chapter 83-327, section 17, L.O.F.) This program was abandoned after one year and replaced with a merit schools program that shifted the focus of performance assessment from the individual teacher to the school. This program was discontinued in 1990. (Chapter 84-336, section 17, L.O.F.)

Research from the Southern Regional Education Board indicates that programs such as merit pay and career ladder initiatives that significantly alter pay structure and are performance-based can produce fundamental changes in the education system. These changes can occur in school operation and with regard to principal/ teacher roles, provided that adequate state support is given to districts.

B. EFFECT OF PROPOSED CHANGES:

The bill creates the Florida Outstanding Teacher Program which provides monetary awards to teachers in recognition of teaching effectiveness and efforts at increasing student learning. Each recipient of an Outstanding Teacher Incentive Award receives \$2,000.

**Definitions**

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For the purposes of this bill, a teacher is defined as a full-time employee who is responsible for classroom instruction of students in grades K-12. It excludes other instructional staff who are not engaged in full-time teaching duties.

A school is defined as a regular institution which enrolls students in grades K-12 but does not include special centers or sites that provide instruction and services to selected students in grades K-12, such as detention centers, special purpose centers, or the superintendent's office.

### **Eligibility Factors for Nomination**

Teachers eligible for nomination are those who:

- are broadly recognized among peer teachers and parents for superior effectiveness in increasing student learning;
- are admirable role models for teachers; and
- possess the highest professional credibility among peers, parents, and students.

### **Nomination Procedures**

The bill provides that each school in a district must establish two independent panels, one comprised of teachers in the school and one comprised of parent members of the school advisory council. Each panel nominates the teachers who, in its opinion, constitute the most effective 10 percent of classroom teachers in the school.

The bill authorizes each nominating panel to determine its own process for selecting the teachers except that the parent panel must administer a survey of the parents of the students enrolled in the school to determine nominees. In order to be considered for an award, a teacher must be nominated by both panels. Nominees for the award must also include the "Teacher of The Year" designee of the school, if any. Nominations must be submitted to the school principal by May 1 of each school year.

### **Award Determination**

The school principal will review the list of nominees and agree or disagree with the nominations. When the principal and the panels agree on the teachers who represent the most effective 10 percent of the teachers in the school, they will award \$2,000 to each teacher and notify the district superintendent and the school board of the names of those individuals.

### **Recipient Responsibilities**

Recipients of Outstanding Teacher Incentive Awards must agree to serve as mentors and coaches to other teachers in the school during the following year. School principals are required to facilitate mentoring opportunities to ensure that "best practices" are shared among teachers.

### **Funding and Payments**

The bill provides that funds to pay the Outstanding Teacher Incentive Awards must be paid from state funds allocated to school districts for this exclusive purpose and shall not be part of the school district salary schedule. Each \$2,000 payment must be a one-time payment and not part of a teacher's base pay. A teacher may be nominated for and receive the award an unlimited number of times. The terms, conditions and payments of the award cannot be subject to collective bargaining. The act shall be implemented only to the extent that it is funded in the General Appropriations Act.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

*Each school in a district must establish two panels, one of teachers and one of parent members of the SAC. Each panel must separately nominate teachers to receive an Outstanding Teacher Incentive Award.*

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

*The bill requires the recipients of Outstanding Teacher Incentive Awards to serve as mentors and coaches to other teachers during the following year. This will assist teachers in improving student performance and teaching methods. The bill also establishes monetary incentives for teachers in recognition of teaching effectiveness and efforts at increasing student learning.*

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

The bill creates s. 231.025, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Creates 231.025, F.S., relating to the designation of the Florida Outstanding Teacher Program; providing definitions for full-time classroom teacher, and standard school; creating the Florida Outstanding Teacher Program and the Outstanding Teacher Incentive Award; providing for nominating panels; providing criteria for eligibility; providing for selection of recipients; providing for monetary awards; and providing for funding.

Section 2: Provides an effective date of July 1 of the year in which enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The bill establishes Outstanding Teacher Incentive Awards worth \$2,000 each. Each \$2,000 payment must be a one-time payment and not part of a teacher's base salary. All taxes, if any, must be paid from the award in accordance with applicable laws and regulations.

The principal and the nominating panels must agree on the teachers who represent the most effective 10 percent of the teachers in the school and an award must be given to each such teacher.

According to the Education Information and Accountability Services Division of DOE, there are currently 124,044 full-time classroom K-12 teachers in Florida. (This figure includes full-time substitute K-12 teachers and excludes adult education teachers.) Taking into consideration a 2.5% projected annual growth rate in the number of teachers to accommodate the equivalent growth rate in students, 124,044 teachers increased by 2.5% is equivalent to 127,145 teachers. 10 percent of these teachers, or 12,714 teachers, will receive awards of \$2,000 each, representing a total of \$25,428,000.

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Currently, the proposed House budget contains \$26 million for this program: The proposed agreement between the House and the Senate Appropriations Conference Committee includes \$26 million the Florida Outstanding Teacher Program.

The terms, conditions and payments of the award are not subject to collective bargaining.

The program shall be implemented only to the extent that it is funded in the General Appropriations Act.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

*This bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.*

B. REDUCTION OF REVENUE RAISING AUTHORITY:

*This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.*

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

*This bill does not reduce the percentage of a state tax shared with counties or municipalities.*

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The following Amendments were adopted in the Education Appropriations Committee on April 14, 1998:

1. Sections 230.23 (5) (c) and 236.02 (4), Florida Statutes are incorporated and amended to provide that a school district that implements the Florida Outstanding Teacher Program will satisfy the requirement that expenditures for salaries of instructional personnel must include compensation based on employee performance demonstrated under section 231.29, Florida Statutes.
2. The provisions of CS for CS for Senate Bills 2156 and 1910 are added to this bill. It creates the Excellent Teaching Program as a categorical funding program to provide monetary incentives and bonuses for teachers who pursue or receive National Board of Professional Teaching Standards Certification.

The incentive and bonus payments are as follows:

- A. Pays 90% of the certification fee not to exceed \$1,800.00
- B. Provides 3 days release time for each teacher participating in the National Board of Professional Teaching Standards Certification Program.
- C. Provided funds for substituted teacher salaries for 3 day release time for each teacher participating in the National Board of Professional Teaching Standards Certification Program.
- D. Provides an annual bonus equal to 10% of the prior fiscal years statewide average salary for classroom teachers to each teacher who holds National Board of Professional



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Teaching Standards Certification and is employed by the district school board or a public school within that school district.

- E. Provides an annual bonus equal to 10% of the prior fiscal year's statewide average salary for classroom teachers to each teacher who holds National Board of Professional Teaching Standards Certification and agrees to provide the equivalent of 12 workdays of mentoring teachers who do not hold National Board of Professional Teaching Standard Certification.

If a teacher does not complete the certification program they must repay the fee.

If a teacher fail to be awarded National Board of Professional Standard Certification program but teaches for one year they are not required to repay the fee.

Provides that any out of state applicant who holds a valid National Board of Professional Teaching Standard Certificate meets the requirements for a Florida Professional Teaching Certificate.

Funds required to support the Excellent Teaching Program are to be determined annually in the General Appropriations Act.

HB 4299 as amended was made CS for HB 4299.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Legislative Research Director:

Susan E. Pratt

M. Elizabeth Atkins

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

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