

By the Committee on Education/K-12 and Representative
Constantine

1 A bill to be entitled
2 An act relating to school district personnel;
3 amending s. 230.23, F.S., relating to powers
4 and duties of district school boards; requiring
5 the adoption of salary schedules based on
6 performance assessments of instructional
7 personnel; amending s. 230.33, F.S.; requiring
8 superintendents to recommend salary schedules
9 for instructional personnel based on
10 performance assessments; creating s. 231.2905,
11 F.S.; creating the Florida School Recognition
12 Program to provide financial awards to selected
13 faculty and staff of identified schools;
14 providing criteria for selection; amending s.
15 236.02, F.S., relating to participation in the
16 Florida Education Finance Program; requiring
17 expenditures for instructional personnel
18 salaries based on performance assessments;
19 providing an effective date.

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

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23 Section 1. Paragraphs (c) and (g) of subsection (5) of
24 section 230.23, Florida Statutes, 1996 Supplement, are amended
25 to read:

26 230.23 Powers and duties of school board.--The school
27 board, acting as a board, shall exercise all powers and
28 perform all duties listed below:

29 (5) PERSONNEL.--Designate positions to be filled,
30 prescribe qualifications for those positions, and provide for
31 the appointment, compensation, promotion, suspension, and

1 dismissal of employees as follows, subject to the requirements
2 of chapter 231:

3 (c) Compensation and salary schedules.--Adopt a salary
4 schedule or salary schedules to be used as a basis for paying
5 all school employees, such schedules to be arranged, insofar
6 as practicable, so as to furnish incentive for improvement in
7 training and for continued and efficient service and fix and
8 authorize the compensation of school employees on the basis of
9 such schedules. A district school board, in determining the
10 salary schedule for instructional personnel, must base a
11 portion of each employee's compensation on performance
12 demonstrated under s. 231.29 and must ~~shall~~ consider the prior
13 teaching experience of a person who has been designated state
14 teacher of the year by any state in the United States.

15 (g) Awards and incentives.--Provide for recognition of
16 district employees, students, school volunteers, or advisory
17 committee members who have contributed outstanding and
18 meritorious service in their fields or service areas. After
19 considering recommendations of the superintendent, the board
20 shall adopt rules establishing and regulating the meritorious
21 service awards necessary for the efficient operation of the
22 program. An award or incentive granted under this paragraph
23 may not be considered in determining the salary schedules
24 required by paragraph (c). Monetary awards shall be limited to
25 persons who propose procedures or ideas which are adopted by
26 the board and which will result in eliminating or reducing
27 school board expenditures or improving district or school
28 center operations. Nonmonetary awards shall include, but need
29 not be limited to, certificates, plaques, medals, ribbons, and
30 photographs. The school board is authorized to expend funds
31 for such recognition and awards. No award granted under the

1 provisions of this paragraph shall exceed \$2,000 or 10 percent
2 of the first year's gross savings, whichever is greater.

3 Section 2. Paragraph (b) of subsection (7) of section
4 230.33, Florida Statutes, 1996 Supplement, is amended to read:

5 230.33 Duties and responsibilities of
6 superintendent.--The superintendent shall exercise all powers
7 and perform all duties listed below and elsewhere in the law;
8 provided, that in so doing he or she shall advise and counsel
9 with the school board. The recommendations, nominations,
10 proposals, and reports required by law and rule to be made to
11 the school board by the superintendent shall be either
12 recorded in the minutes or shall be made in writing, noted in
13 the minutes, and filed in the public records of the board. It
14 shall be presumed that, in the absence of the record required
15 in this paragraph, the recommendations, nominations, and
16 proposals required of the superintendent were not contrary to
17 the action taken by the school board in such matters.

18 (7) PERSONNEL.--Be responsible, as required herein,
19 for directing the work of the personnel, subject to the
20 requirements of chapter 231, and in addition the
21 superintendent shall have the following duties:

22 (b) Compensation and salary schedules.--Prepare and
23 recommend to the school board for adoption a salary schedule
24 or salary schedules to be used as the basis for paying school
25 employees, arranging such schedules, insofar as practicable,
26 so as to furnish incentive for improvement in training and for
27 continued and efficient service. The superintendent must
28 recommend a salary schedule for instructional personnel which
29 bases a portion of each employee's compensation on performance
30 demonstrated under s. 231.29.

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1 Section 3. Section 231.2905, Florida Statutes, is
2 created to read:

3 231.2905 Florida School Recognition Program.--

4 (1) The Legislature finds that there is a need for a
5 performance incentive program for outstanding faculty and
6 staff in highly productive schools. The Legislature further
7 finds that performance-based incentives are commonplace in the
8 private sector and should be infused into the public sector as
9 a reward for productivity.

10 (2) The Florida School Recognition Program is created
11 to provide financial awards to faculty and staff of schools
12 that sustain high performance or that demonstrate exemplary
13 improvement due to innovation and effort. The Commissioner of
14 Education shall establish statewide objective criteria for
15 schools to be invited to apply for the Florida School
16 Recognition Program. The selection of schools must be based
17 on at least 2 school years of data, when available. To
18 participate in the program, a school district must have
19 incorporated a performance incentive program into its employee
20 salary structure. All public schools, including charter
21 schools, are eligible to participate in the program.

22 (a) Initial criteria for identification of schools
23 must rely on statewide data and must include, but not be
24 limited to:

- 25 1. Statewide student achievement data.
- 26 2. Readiness for postsecondary education data.
- 27 3. Dropout rates.
- 28 4. Attendance rates.

29 (b) After a pool of eligible schools has been
30 identified, schools must apply for final recognition and
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1 financial awards based on established criteria. Criteria must
2 include, but not be limited to:
3 1. School climate, including rates of school violence
4 and crime.
5 2. Indicators of innovation in teaching and learning.
6 3. Indicators of successful challenging school
7 improvement plans.
8 4. Parent, community, and student involvement in
9 learning.
10 (c) After identification of schools for final
11 recognition and financial awards, awards must be distributed
12 based on employee performance criteria established in district
13 school board policy.
14 (3) All selected schools shall receive financial
15 awards depending on the availability of funds appropriated and
16 the number and size of schools selected to receive an award.
17 Funds must be distributed to the school's fiscal agent and
18 placed in the school's account and must be used as financial
19 awards for bonuses to faculty and staff. Notwithstanding
20 statutory provisions to the contrary, incentive awards are not
21 subject to collective bargaining.
22 Section 4. Subsection (4) of section 236.02, Florida
23 Statutes, is amended to read:
24 236.02 Minimum requirements of the Florida Education
25 Finance Program.--Each district which participates in the
26 state appropriations for the Florida Education Finance Program
27 shall provide evidence of its effort to maintain an adequate
28 school program throughout the district and shall meet at least
29 the following requirements:
30 (4) SALARY SCHEDULES.--Expend funds for salaries in
31 accordance with a salary schedule or schedules adopted by the

1 school board in accordance with the provisions of law and
2 regulations of the state board. Expenditures for salaries of
3 instructional personnel must include compensation based on
4 employee performance demonstrated under s. 231.29.

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

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8 HOUSE SUMMARY

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10 Requires school boards and superintendents to recommend
11 and adopt certain salary schedules based on performance
12 assessments. Creates the Florida School Recognition
13 Program to provide financial awards to faculty and staff
14 of schools that sustain high performance or that
15 demonstrate exemplary improvement due to innovation and
16 effort. Requires school districts that participate in
17 the Florida Education Finance Program to include
18 compensation based on performance assessments in salaries
19 for instructional personnel.
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