

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 the school's data and statewide data and must  
24 include, but not be limited to:

25           1. Improvement in the school's student achievement  
26 data.

27           2. Statewide student achievement data.

28           3. Readiness for postsecondary education data.

29           4. Dropout rates.

30           5. Attendance rates.

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1           (b) After a pool of eligible schools has been  
2 identified, schools must apply for final recognition and  
3 financial awards based on established criteria. Criteria must  
4 include, but not be limited to:

5           1. School climate, including rates of school violence  
6 and crime.

7           2. Indicators of innovation in teaching and learning.

8           3. Indicators of successful challenging school  
9 improvement plans.

10          4. Parent, community, and student involvement in  
11 learning.

12          (c) After identification of schools for final  
13 recognition and financial awards, awards must be distributed  
14 based on employee performance criteria established in district  
15 school board policy.

16          (3) All selected schools shall receive financial  
17 awards depending on the availability of funds appropriated and  
18 the number and size of schools selected to receive an award.  
19 Funds must be distributed to the school's fiscal agent and  
20 placed in the school's account and must be used as determined  
21 by the school's staff and school advisory council for bonuses  
22 to the faculty and staff or for educational equipment or  
23 materials for the school. Notwithstanding statutory  
24 provisions to the contrary, incentive awards are not subject  
25 to collective bargaining.

26          Section 4. Subsection (4) of section 236.02, Florida  
27 Statutes, is amended to read:

28          236.02 Minimum requirements of the Florida Education  
29 Finance Program.--Each district which participates in the  
30 state appropriations for the Florida Education Finance Program  
31 shall provide evidence of its effort to maintain an adequate

1 school program throughout the district and shall meet at least  
2 the following requirements:

3 (4) SALARY SCHEDULES.--Expend funds for salaries in  
4 accordance with a salary schedule or schedules adopted by the  
5 school board in accordance with the provisions of law and  
6 regulations of the state board. Expenditures for salaries of  
7 instructional personnel must include compensation based on  
8 employee performance demonstrated under s. 231.29.

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

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