

1  
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; requiring certain  
11 input; creating s. 231.2905, F.S.; creating the  
12 Florida School Recognition Program to provide  
13 financial awards to selected faculty and staff  
14 of identified schools; providing criteria for  
15 selection; amending s. 236.02, F.S., relating  
16 to participation in the Florida Education  
17 Finance Program; requiring expenditures for  
18 instructional personnel salaries based on  
19 performance assessments; providing an effective  
20 date.

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

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

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

30 (5) PERSONNEL.--Designate positions to be filled,  
31 prescribe qualifications for those positions, and provide for

1 the appointment, compensation, promotion, suspension, and  
2 dismissal of employees as follows, subject to the requirements  
3 of chapter 231:

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

19 (g) Awards and incentives.--Provide for recognition of  
20 district employees, students, school volunteers, or advisory  
21 committee members who have contributed outstanding and  
22 meritorious service in their fields or service areas. After  
23 considering recommendations of the superintendent, the board  
24 shall adopt rules establishing and regulating the meritorious  
25 service awards necessary for the efficient operation of the  
26 program. An award or incentive granted under this paragraph  
27 may not be considered in determining the salary schedules  
28 required by paragraph (c). Monetary awards shall be limited to  
29 persons who propose procedures or ideas which are adopted by  
30 the board and which will result in eliminating or reducing  
31 school board expenditures or improving district or school

1 center operations. Nonmonetary awards shall include, but need  
2 not be limited to, certificates, plaques, medals, ribbons, and  
3 photographs. The school board is authorized to expend funds  
4 for such recognition and awards. No award granted under the  
5 provisions of this paragraph shall exceed \$2,000 or 10 percent  
6 of the first year's gross savings, whichever is greater.

7 Section 2. Paragraph (b) of subsection (7) of section  
8 230.33, Florida Statutes, 1996 Supplement, is amended to read:

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

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

26 (b) Compensation and salary schedules.--Prepare and  
27 recommend to the school board for adoption a salary schedule  
28 or salary schedules to be used as the basis for paying school  
29 employees, arranging such schedules, insofar as practicable,  
30 so as to furnish incentive for improvement in training and for  
31 continued and efficient service. The superintendent must

1 recommend a salary schedule for instructional personnel which  
2 bases a portion of each employee's compensation on performance  
3 demonstrated under s. 231.29. In developing the recommended  
4 salary schedule, the superintendent shall include input from  
5 parents, teachers, and representatives of the business  
6 community.

7 Section 3. Section 231.2905, Florida Statutes, is  
8 created to read:

9 231.2905 Florida School Recognition Program.--

10 (1) The Legislature finds that there is a need for a  
11 performance incentive program for outstanding faculty and  
12 staff in highly productive schools. The Legislature further  
13 finds that performance-based incentives are commonplace in the  
14 private sector and should be infused into the public sector as  
15 a reward for productivity.

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

28 (a) Initial criteria for identification of schools  
29 must rely on the school's data and statewide data and must  
30 include, but not be limited to:

31

- 1           1. Improvement in the school's student achievement  
2 data.
- 3           2. Statewide student achievement data.
- 4           3. Readiness for postsecondary education data.
- 5           4. Dropout rates.
- 6           5. Attendance rates.
- 7           (b) After a pool of eligible schools has been  
8 identified, schools must apply for final recognition and  
9 financial awards based on established criteria. Criteria must  
10 include, but not be limited to:
- 11           1. School climate, including rates of school violence  
12 and crime.
- 13           2. Indicators of innovation in teaching and learning.
- 14           3. Indicators of successful challenging school  
15 improvement plans.
- 16           4. Parent, community, and student involvement in  
17 learning.
- 18           (c) After identification of schools for final  
19 recognition and financial awards, awards must be distributed  
20 based on employee performance criteria established in district  
21 school board policy.
- 22           (3) All selected schools shall receive financial  
23 awards depending on the availability of funds appropriated and  
24 the number and size of schools selected to receive an award.  
25 Funds must be distributed to the school's fiscal agent and  
26 placed in the school's account and must be used as determined  
27 by the school's staff and school advisory council for bonuses  
28 to the faculty and staff or for educational equipment or  
29 materials for the school. Notwithstanding statutory  
30 provisions to the contrary, incentive awards are not subject  
31 to collective bargaining.

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

3           236.02 Minimum requirements of the Florida Education  
4 Finance Program.--Each district which participates in the  
5 state appropriations for the Florida Education Finance Program  
6 shall provide evidence of its effort to maintain an adequate  
7 school program throughout the district and shall meet at least  
8 the following requirements:

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

15           Section 5. This act shall take effect July 1, 1998.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31