

By the Committee on Education and Senator Sullivan

304-2129A-99

1                                   A bill to be entitled  
2           An act relating to public schools; amending s.  
3           231.085, F.S.; specifying principals'  
4           responsibility for assessing performance of  
5           school personnel and implementing the Sunshine  
6           State Standards; requiring school principals to  
7           prepare individualized professional development  
8           programs for instructional personnel; requiring  
9           a review of student progress as a basis for the  
10          design and evaluation of the programs;  
11          requiring a performance evaluation to include  
12          consideration of the quality of professional  
13          development activities; authorizing rules;  
14          creating a program to increase student  
15          achievement in certain schools; providing  
16          legislative intent; providing for the selection  
17          of eligible schools; requiring school districts  
18          to provide certain assistance to the schools;  
19          requiring a professional development program;  
20          requiring a needs analysis based upon student  
21          achievement; requiring certain components;  
22          requiring a plan to increase the number of  
23          master teachers at certain schools; encouraging  
24          certain services; requiring an evaluation;  
25          providing criteria; providing certain  
26          responsibilities of the Education Standards  
27          Commission and the Office of Program Policy and  
28          Government Accountability; requiring a report;  
29          authorizing bonuses for certain principals and  
30          teachers; authorizing rules; requiring that  
31          contracts with teachers contain certain

1 provisions relating to content area of advanced  
2 degrees; amending s. 236.08106, F.S.;  
3 authorizing bonuses for certain principals and  
4 teachers; providing for the distribution of  
5 Excellent Teaching Program Funds; deleting  
6 certain district incentives; providing an  
7 effective date.  
8

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

10  
11 Section 1. Section 231.085, Florida Statutes, is  
12 amended to read:

13 231.085 Duties of principals.--A district school board  
14 shall employ, through written contract, public school  
15 principals who shall supervise the operation and management of  
16 the schools and property as the board determines necessary.

17 (1) Each principal is responsible for the performance  
18 of all personnel employed by the school board and assigned to  
19 the school to which the principal is assigned. The principal  
20 shall faithfully and effectively apply the  
21 personnel-assessment system approved by the school board  
22 pursuant to s. 231.29. Each principal shall base the  
23 evaluation on reports of the progress of students in content  
24 areas for which the teacher is responsible and may use  
25 additional criteria as provided by rules or policies of the  
26 school district. Based upon this review, each principal shall  
27 submit to the school board and the teacher an individualized  
28 professional development plan for each teacher. The report to  
29 the district may be in the form of a summary of the required  
30 components and an estimate of the number of teachers who  
31 require them. The principal shall certify that at least 50

1 percent of any professional development program prescribed in  
2 the plan is based on the subject area content for which the  
3 teacher is responsible.

4       (2) Each principal shall perform such duties as may be  
5 assigned by the superintendent pursuant to the rules of the  
6 school board. Such rules shall include, but not be limited  
7 to, rules relating to administrative responsibility,  
8 instructional leadership in implementing the Sunshine State  
9 Standards and of the overall educational program of the school  
10 to which the principal is assigned, submission of personnel  
11 recommendations to the superintendent, administrative  
12 responsibility for records and reports, administration of  
13 corporal punishment, and student suspension. Each principal  
14 shall provide leadership in the development or revision and  
15 implementation of a school improvement plan pursuant to s.  
16 230.23(16).

17       (3) Beginning July 1, 2000, when a superintendent  
18 evaluates the performance of a principal pursuant to s.  
19 231.29, he or she shall consider the quality of the  
20 principal's efforts to upgrade the competency of the teachers  
21 at the school. A principal whose efforts are exemplary is  
22 eligible for a bonus as provided in s. 236.08106 and the  
23 annual Appropriations Act. Exemplary effort must be  
24 demonstrated by reports of student progress as well as by  
25 documentation of teachers' successful involvement in  
26 individualized professional development activities.

27       (4) The Commissioner of Education shall adopt rules to  
28 assure that the conditions under which principals are eligible  
29 for bonuses for exemplary performance are meaningful and  
30 consistent statewide. The rules may categorize schools and  
31 identify the level of student progress and of staff

1 participation in prescribed professional development  
2 activities that constitutes exemplary performance by the  
3 principal of each category of school.

4 Section 2. Incentives for improvement of student  
5 achievement in selected schools.--

6 (1) The Legislature finds that some schools have a  
7 particularly acute need for teachers with excellent  
8 qualifications and motivations. Those schools have a large  
9 proportion of students whose performance is beneath the level  
10 expected for their age and grade or have a large proportion of  
11 students from families with economic disadvantages. Therefore,  
12 the Legislature intends to:

13 (a) Provide rewards and incentives to principals and  
14 teachers who improve schools by improving student learning;

15 (b) Focus those rewards upon schools that can most  
16 benefit from improvements in teaching and learning; and

17 (c) Improve the preparation of all teachers through a  
18 concentration on subject matter content in professional  
19 development programs.

20 (2) The Commissioner of Education shall select schools  
21 that have acute need, using criteria that must include the  
22 socioeconomic status of students at the schools and the  
23 average scores on statewide student assessment instruments.  
24 The commissioner may also include criteria such as the number  
25 of students who are enrolled at the school for less than a  
26 full school year, the number whose native language is not  
27 English, the number of incidents of disruptive behavior at the  
28 school, or any other measure that the commissioner identifies  
29 as likely to make teaching and learning more difficult than it  
30 would be if the school did not possess that characteristic.  
31 The commissioner is not required to select only the schools

1 identified as critically low performing schools, but is  
2 encouraged to select as many schools for which an intensive  
3 effort in improvement is possible given the funds appropriated  
4 in any year.

5 (3) Each school district that contains a school  
6 selected by the commissioner pursuant to subsection (2) shall  
7 provide the principal of the school with additional staff  
8 positions to enable the teachers to participate in the  
9 professional development activities required by this section.

10 The Department of Education shall quantify the number of  
11 additional staff required for each school selected by the  
12 commissioner, based upon the size of the school and the  
13 requirements of the professional development program.

14 (4) The statewide network of professional development  
15 academies shall develop an intensive professional development  
16 program for the principals and teachers of the schools.

17 (a) The program may include components of programs  
18 already in place in the school district, but it must also  
19 include components designed to meet the particular needs of  
20 instructional staff at the school. The needs must be  
21 identified using data on student performance in each teacher's  
22 classroom.

23 (b) These components must be content-based and must  
24 focus on methods that have proved successful in improving  
25 student performance in a particular content area.

26 (c) The professional development program must provide  
27 classroom support for each participating teacher or principal  
28 for at least 1 year after the formal participation is  
29 completed.

30 (5) The school district shall develop a plan to  
31 encourage teachers with demonstrated success in improving

1 student performance to remain at or transfer to schools  
2 selected as provided in subsection (2).

3 (a) If a teacher whose mastery has been formally  
4 recognized by the designation of Teacher of the Year at the  
5 district or state level, or who is certified by the National  
6 Board of Professional Teaching Standards, requests assignment  
7 to a school identified as provided in subsection (2), the  
8 school board and the principal shall make every practical  
9 effort to grant the request. Such a teacher is eligible for a  
10 bonus as provided in subsection (10) if he or she is assigned  
11 to a selected school.

12 (b) The Department of Education may authorize  
13 additional criteria to identify teachers who are not eligible  
14 according to paragraph (a), but who may otherwise demonstrate  
15 mastery. Teachers identified under this paragraph may  
16 transfer to a school selected pursuant to subsection (2) or  
17 they may be teaching already at such a school and become  
18 eligible for bonuses.

19 (6) The school district is encouraged to provide  
20 additional components of a comprehensive program of school  
21 improvement at schools selected pursuant to subsection (2).  
22 Those components may include visiting students' homes,  
23 assisting parents to oversee homework, creating tutorial  
24 programs, providing after-school programs, pairing of teachers  
25 with experience and mastery with other teachers for planning  
26 periods and mentoring, and lowering the ratio of students to  
27 teachers in classes that are difficult for students as  
28 revealed by performance data.

29 (7) Each school selected as provided in subsection (2)  
30 must be evaluated annually according to a process to be  
31 planned and overseen by the Education Standards Commission and

1 the Office of Program Policy Analysis and Government  
2 Accountability. The evaluation must include an assessment of  
3 student progress as measured by any combination of the  
4 following criteria identified by the commission, depending  
5 upon the grade levels of children at the school: student  
6 assessment instruments, grades, number of absences or times  
7 tardy, progression from grade to grade, number of students  
8 over age for grade, discipline data, levels of courses taken,  
9 standard diplomas granted, rate of enrollment in postsecondary  
10 education, passing rate on the college entry level placement  
11 test, and postsecondary education or employment levels  
12 following high school graduation.

13 (8) Annually the Department of Education shall report  
14 to the Legislature on the activities conducted as a result of  
15 appropriations to implement this section.

16 (a) The report must list the schools identified  
17 pursuant to subsection (2), the number of teacher transfers  
18 effected by district and school, any increases or decreases in  
19 the number of master teachers at the school and how that  
20 status was determined, the number and types of professional  
21 development activities provided and their attendance rates,  
22 any class size increases or reductions, and any gains or  
23 losses in student performance during the year.

24 (b) The department may also report on changes in other  
25 measures used in identifying schools for the program. The  
26 Legislature encourages the department to assess and report the  
27 effect of the program on a school's environment, such as the  
28 perceptions of the school's success by students, school  
29 personnel, and parents.

30 (9) A principal of a school selected pursuant to  
31 paragraph (2) is eligible for a bonus as provided in sections

1 231.085 and 236.08106, Florida Statutes, if the performance of  
2 students at the school improves sufficiently after the  
3 professional development program has been in effect for 1 year  
4 or more.

5 (10) A teacher at a school selected pursuant to  
6 subsection (2) is eligible for a bonus as provided in section  
7 236.08106, Florida Statutes, if:

8 (a) The teacher has achieved mastery as identified by  
9 a formal procedure such as the designation of Teacher of the  
10 Year at the district or state level or is certified by the  
11 National Board of Professional Teaching Standards. The bonus  
12 must be in addition to that provided because of the NBPTS  
13 certification and because of acting as a mentor teacher.

14 (b) The teacher is recommended by the principal and  
15 demonstrates mastery by improvements in the achievement of  
16 students in his or her classes, as identified by rules adopted  
17 by the Commissioner of Education.

18 (11) The Commissioner of Education shall adopt rules  
19 to define conditions under which a teacher or principal is  
20 eligible for a bonus as authorized by this section. The rules  
21 may define completion of a prescribed professional development  
22 program and provide a formula by which student progress may be  
23 measured and used to affirm that the teacher has demonstrated  
24 mastery. The rules must specify in full the criteria that  
25 constitute sufficient improvement in student performance to  
26 warrant the bonuses authorized by this section and sections  
27 231.085 and 236.08106, Florida Statutes.

28 Section 3. Paragraph (c) of subsection (5) of section  
29 230.23, Florida Statutes, 1998 Supplement, is amended to read:  
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31



1           230.23 Powers and duties of school board.--The school  
2 board, acting as a board, shall exercise all powers and  
3 perform all duties listed below:

4           (5) PERSONNEL.--Designate positions to be filled,  
5 prescribe qualifications for those positions, and provide for  
6 the appointment, compensation, promotion, suspension, and  
7 dismissal of employees as follows, subject to the requirements  
8 of chapter 231:

9           (c) Compensation and salary schedules.--Adopt a salary  
10 schedule or salary schedules to be used as a basis for paying  
11 all school employees, such schedules to be arranged, insofar  
12 as practicable, so as to furnish incentive for improvement in  
13 training and for continued and efficient service and fix and  
14 authorize the compensation of school employees on the basis of  
15 such schedules. A district school board, in determining the  
16 salary schedule for instructional personnel, must base a  
17 portion of each employee's compensation on performance  
18 demonstrated under s. 231.29 and must consider the prior  
19 teaching experience of a person who has been designated state  
20 teacher of the year by any state in the United States. In  
21 developing the salary schedule, the school board shall seek  
22 input from parents, teachers, and representatives of the  
23 business community. By June 30, 2002, the salary schedule  
24 adopted by the school board must base at least 5 percent of  
25 the salary of school administrators and instructional  
26 personnel on annual performance measured under s. 231.29. The  
27 district's performance-pay policy is subject to negotiation as  
28 provided in chapter 447; however, the adopted salary schedule  
29 must allow employees who demonstrate outstanding performance  
30 to earn 5 percent of their individual salary. The Commissioner  
31 of Education shall determine whether the board's adopted

1 salary schedule complies with the requirement for  
2 performance-based pay. If the board fails to comply by June  
3 30, 2002, the commissioner shall withhold disbursements from  
4 the Education Enhancement Trust Fund to the district until  
5 compliance is verified. The Legislature intends that school  
6 districts provide fiduciary rewards to teachers who pursue  
7 graduate-level education and earn masters or doctorate degrees  
8 related to a content area for which they are responsible.  
9 Therefore, by June 30, 2002, each school district shall  
10 renegotiate any standard contracts with teachers so that its  
11 reward to a teacher who obtains an advanced degree will apply  
12 only to a degree that relates to a content area for which the  
13 teacher is responsible. The renegotiation process must not  
14 affect teachers who have benefitted from degrees earned June  
15 30, 2002, or before. The school district must identify the  
16 advanced degrees that relate to each content area for which a  
17 teacher may be certified.

18 Section 4. Section 236.08106, Florida Statutes, 1998  
19 Supplement, is amended to read:

20 236.08106 Excellent Teaching Program.--

21 (1) The Legislature recognizes that teachers play a  
22 critical role in preparing students to achieve the high levels  
23 of academic performance expected by the Sunshine State  
24 Standards. The Legislature further recognizes the importance  
25 of identifying and rewarding teaching excellence and of  
26 encouraging good teachers to become excellent teachers.

27 (a) The Legislature finds that the National Board of  
28 Professional Teaching Standards (NBPTS) has established high  
29 and rigorous standards for accomplished teaching and has  
30 developed a national voluntary system for assessing and  
31

1 certifying teachers who demonstrate teaching excellence by  
2 meeting those standards.

3 (b) The Legislature further finds that principals and  
4 teachers meet high and rigorous standards when their schools  
5 and students make significant improvements in achievement as  
6 measured pursuant to s. 231.085 and section 2 of this act.

7 (c) It is therefore the Legislature's intent to  
8 provide incentives for teachers to seek NBPTS certification  
9 and to reward teachers who demonstrate teaching excellence by  
10 attaining NBPTS certification or by achieving and maintaining  
11 the standards provided in sections 1 and 2 of this act. These  
12 incentives should continue for teachers who achieve excellence  
13 and share ~~sharing~~ their expertise with other teachers.

14 (2) The Excellent Teaching Program is created to  
15 provide categorical funding for monetary incentives and  
16 bonuses for teaching excellence. The Department of Education  
17 shall ~~allocate and~~ distribute to each school district or to  
18 the NBPTS an amount as prescribed annually by the Legislature  
19 for the Excellent Teaching Program. Unless otherwise provided  
20 in the General Appropriations Act, each distribution ~~school~~  
21 ~~district's annual allocation~~ shall be the sum of the amounts  
22 earned for the following incentives and bonuses:

23 (a) A fee subsidy to be paid by the Department of  
24 Education ~~school district~~ to the NBPTS on behalf of each  
25 individual who is an employee of a ~~the~~ district school board  
26 or a public school within the ~~that~~ school district, who is  
27 certified by the district to have demonstrated satisfactory  
28 teaching performance pursuant to s. 231.29 and who satisfies  
29 the prerequisites for participating in the NBPTS certification  
30 program, and who agrees, in writing, to pay 10 percent of the  
31 NBPTS participation fee and to participate in the NBPTS

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

8 (b) A portfolio-preparation incentive of \$150 paid by  
9 the Department of Education to ~~for~~ each teacher employed by a  
10 ~~the~~ district school board or a public school within a school  
11 ~~the~~ district who is participating in the NBPTS certification  
12 program. The portfolio-preparation incentive is a one-time  
13 award paid during the school year for which the NBPTS fee  
14 subsidy is provided.

15 (c) An annual bonus equal to 10 percent of the prior  
16 fiscal year's statewide average salary for classroom teachers  
17 to be distributed to the school district to be paid to each  
18 individual who ~~holds NBPTS certification and~~ is employed by  
19 the district school board or by a public school within the  
20 ~~that~~ school district that holds NBPTS certification or meets  
21 the criteria for a bonus pursuant to s. 231.085(3) or section  
22 2 of this act. The district school board shall distribute the  
23 annual bonus to each individual who meets the requirements of  
24 this paragraph and who is certified annually by the district  
25 to have demonstrated satisfactory teaching performance  
26 pursuant to s. 231.29 and s. 231.085. The annual bonus may be  
27 paid as a single payment or divided into not more than three  
28 payments.

29 (d) An annual bonus equal to 10 percent of the prior  
30 fiscal year's statewide average salary for classroom teachers  
31 to be distributed to the school district to be paid to each

1 individual who meets the requirements of paragraph (c) and  
2 agrees, in writing, to provide the equivalent of 12 workdays  
3 of mentoring and related services to public school teachers  
4 within the district who do not hold NBPTS certification and  
5 who have not demonstrated excellence as provided in s. 231.085  
6 and section 2 of this act. The district school board shall  
7 distribute the annual bonus in a single payment following the  
8 completion of all required mentoring and related services for  
9 the year. It is not the intent of the Legislature to remove  
10 excellent teachers from their assigned classrooms; therefore,  
11 credit may not be granted by a school district or public  
12 school for mentoring or related services provided during the  
13 regular school day or during the 196 days of required service  
14 for the school year.

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

22  
23 A teacher for whom the state pays the certification fee and  
24 who does not complete the certification program or does not  
25 teach in a public school of this state for a least 1 year  
26 after completing the certification program must repay the  
27 amount of the certification fee to the state. However, a  
28 teacher who completes the certification program but fails to  
29 be awarded NBPTS certification is not required to repay the  
30 amount of the certification fee if the teacher meets the  
31 1-year teaching requirement. Repayment is not required of a

1 teacher who does not complete the certification program or  
2 fails to fulfill the teaching requirement because of the  
3 teacher's death or disability or because of other extenuating  
4 circumstances as determined by the State Board of Education.

5 (3)(a) In addition to any other remedy available under  
6 the law, any person who is a recipient of a certification fee  
7 subsidy paid to the NBPTS and who is an employee of the state  
8 or any of its political subdivisions is considered to have  
9 consented, as a condition of employment, to the voluntary or  
10 involuntary withholding of wages to repay to the state the  
11 amount of such a certification fee subsidy awarded under this  
12 section. Any such employee who defaults on the repayment of  
13 such a certification fee subsidy must, within 60 days after  
14 service of a notice of default by the Department of Education  
15 to the employee, establish a repayment schedule, which must be  
16 agreed to by the department and the employee, for repaying the  
17 defaulted sum through payroll deductions. The department may  
18 not require the employee to pay more than 10 percent of the  
19 employee's pay per pay period under such a repayment schedule  
20 or plan. If the employee fails to establish a repayment  
21 schedule within the specified period of time or fails to meet  
22 the terms and conditions of the agreed-upon or approved  
23 repayment schedule as authorized by this subsection, the  
24 employee has breached an essential condition of employment and  
25 is considered to have consented to the involuntary withholding  
26 of wages or salary for the repayment of the certification fee  
27 subsidy.

28 (b) A person who is employed by the state or any of  
29 its political subdivisions may not be dismissed for having  
30 defaulted on the repayment of the certification fee subsidy to  
31 the state.

1           (4) The State Board of Education may adopt rules as  
2 necessary to implement the provisions for payment of the fee  
3 subsidies, incentives, and bonuses and for the repayment of  
4 defaulted certification fee subsidies under this section.

5           Section 5. This act shall take effect July 1, 1999.

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7           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8                                 COMMITTEE SUBSTITUTE FOR  
9   SB 2370

10          The Committee Substitute:

11          Incorporates into s. 231.085, F.S., the requirements for  
12          principals in section 1 of the bill, and also incorporates  
13          changes made to that section by the Florida Senate on April  
14          16, 1999, in CS/SB 1646 and in the amendment to CS/HB 751.  
15          These include requiring principals to apply the personnel  
16          system approved by the school board and to abide by the rules  
17          for instructional leadership in implementing the Sunshine  
18          State Standards.

19          Incorporates into s. 230.23, F.S., the requirements for  
20          renegotiation of teachers' contracts to require compensated  
21          graduate-level work to be content-based, and also incorporates  
22          changes made to that section by the Florida Senate on April  
23          16, 1999, in CS/SB 1646 and in the amendment to CS/HB 751.  
24          These changes include requiring school boards to comply with  
25          the required performance-based pay or risk losing their  
26          lottery funds. The date by which renegotiation is required is  
27          June 30, 2002, which is the same date school boards must  
28          comply with performance-based salary schedules.

29          Amends s. 236.08106, F.S., to incorporate changes made to this  
30          section in CS/SB 1646 and the amendment to CS/HB 751. These  
31          changes include deleting the incentives for school districts  
32          to encourage teachers to apply for national-board  
33          certification and authorizing the Department of Education to  
34          employ standard enforcement measures for teachers who default  
35          on funds they are required to pay back if they fail to meet  
36          their agreement in regard to payment of application fees for  
37          national-board certification