

690-100AXA-38

Bill No. CS/HB 751 & others

Amendment No. 23 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Lynn and Sorensen offered the following:

Amendment (with title amendment)

On page 110, between lines 17 & 18,

insert:

Section 45. Subsection (2) of section 236.08106, Florida Statutes, 1998 Supplement, is amended, and a new subsection (4) is added to said section, to read:

236.08106 Excellent Teaching Program.--

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

(a) A fee subsidy to be paid by the Department of Education ~~school district~~ to the NBPTS on behalf of each

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1 individual who is an employee of the district school board or
2 a public school within that school district, who is certified
3 by the district to have demonstrated satisfactory teaching
4 performance pursuant to s. 231.29 and who satisfies the
5 prerequisites for participating in the NBPTS certification
6 program, and who agrees, in writing, to pay 10 percent of the
7 NBPTS participation fee and to participate in the NBPTS
8 certification program during the school year for which the fee
9 subsidy is provided. The fee subsidy for each eligible
10 participant shall be an amount equal to 90 percent of the fee
11 charged for participating in the NBPTS certification program,
12 but not more than \$1,800 per eligible participant. The fee
13 subsidy is a one-time award and may not be duplicated for any
14 individual.

15 (b) A portfolio-preparation incentive of \$150 paid by
16 the Department of Education to ~~for~~ each teacher employed by
17 the district school board or a public school within the
18 district who is participating in the NBPTS certification
19 program. The portfolio-preparation incentive is a one-time
20 award paid during the school year for which the NBPTS fee
21 subsidy is provided.

22 (c) An annual bonus equal to 10 percent of the prior
23 fiscal year's statewide average salary for classroom teachers
24 to be distributed to the school district to be paid to each
25 individual who holds NBPTS certification and is employed by
26 the district school board or by a public school within that
27 school district. The district school board shall distribute
28 the annual bonus to each individual who meets the requirements
29 of this paragraph and who is certified annually by the
30 district to have demonstrated satisfactory teaching
31 performance pursuant to s. 231.29. The annual bonus may be

1 paid as a single payment or divided into not more than three
2 payments.

3 (d) An annual bonus equal to 10 percent of the prior
4 fiscal year's statewide average salary for classroom teachers
5 to be distributed to the school district to be paid to each
6 individual who meets the requirements of paragraph (c) and
7 agrees, in writing, to provide the equivalent of 12 workdays
8 of mentoring and related services to public school teachers
9 within the district who do not hold NBPTS certification. The
10 district school board shall distribute the annual bonus in a
11 single payment following the completion of all required
12 mentoring and related services for the year. It is not the
13 intent of the Legislature to remove excellent teachers from
14 their assigned classrooms; therefore, credit may not be
15 granted by a school district or public school for mentoring or
16 related services provided during the regular school day or
17 during the 196 days of required service for the school year.

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

25 (4)(a) In addition to any other remedy available under
26 law, any person who is a recipient of a certification fee
27 subsidy paid to the NBPTS and who is an employee of the state
28 or any of its political subdivisions shall be deemed to have
29 agreed as a condition of employment to have consented to
30 voluntary or involuntary withholding of wages to repay the
31 certification fee subsidy due to the state pursuant to this

1 section. Any such employee who has defaulted or does default
2 on the repayment of such certification fee shall, within 60
3 days after service of a notice of default by the Department of
4 Education to the employee, establish a repayment schedule
5 which shall be agreed to by the Department of Education and
6 the employee for repaying the defaulted payment through
7 payroll deductions. Under no circumstances may an amount in
8 excess of 10 percent per pay period of the pay of the employee
9 be required by the Department of Education as part of a
10 repayment schedule or plan. If the employee fails to establish
11 a repayment schedule within the specified period of time or
12 fails to meet the terms and conditions of the agreed to or
13 approved repayment schedule as authorized by this subsection,
14 the employee shall be deemed to have breached an essential
15 condition of employment and consented to the involuntary
16 withholding of wages or salary for the repayment of the
17 certification fee.

18 (b) No person who is employed by the state or any of
19 its political subdivisions may be dismissed for having
20 defaulted on the repayment of the certification fee to the
21 state.

22 (c) The State Board of Education may adopt rules as
23 necessary to implement the provisions for payment of the fee
24 subsidies, incentives, and bonuses, and the repayment of
25 defaulted certification fees pursuant to this section.

26
27 A teacher for whom the state pays the certification fee and
28 who does not complete the certification program or does not
29 teach in a public school of this state for a least 1 year
30 after completing the certification program must repay the
31 amount of the certification fee to the state. However, a

1 teacher who completes the certification program but fails to
 2 be awarded NBPTS certification is not required to repay the
 3 amount of the certification fee if the teacher meets the
 4 1-year teaching requirement. Repayment is not required of a
 5 teacher who does not complete the certification program or
 6 fails to fulfill the teaching requirement because of the
 7 teacher's death or disability or because of other extenuating
 8 circumstances as determined by the State Board of Education.

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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 7, line 29, after the semicolon,

14

15 insert:

16 amending s. 236.08106, F.S.; revising
 17 provisions of the Excellent Teaching Program;
 18 providing for withholding of wages to repay the
 19 certification fee subsidy owed the stat by an
 20 employee who defaults; providing exceptions;
 21 authorizing the State Board of Education to
 22 adopt rules;

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