

By Senator Jones

40-760-00

1 A bill to be entitled
2 An act relating to the Excellent Teaching
3 Program; amending s. 236.08106, F.S.; providing
4 for guidance counselors who meet certain
5 certification requirements to receive the same
6 bonuses as teachers through the Excellent
7 Teaching Program; providing an effective date.

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

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11 Section 1. Section 236.08106, Florida Statutes, is
12 amended to read:

13 236.08106 Excellent Teaching Program.--

14 (1) The Legislature recognizes that teachers and
15 guidance counselors play a critical role in preparing students
16 to achieve the high levels of academic performance expected by
17 the Sunshine State Standards. The Legislature further
18 recognizes the importance of identifying and rewarding
19 teaching excellence and of encouraging good teachers and
20 guidance counselors to become excellent teachers and guidance
21 counselors. The Legislature finds that the National Board of
22 Professional Teaching Standards (NBPTS) has established high
23 and rigorous standards for accomplished teaching and has
24 developed a national voluntary system for assessing and
25 certifying teachers who demonstrate teaching excellence by
26 meeting those standards. The Legislature further finds that
27 the standards for guidance counselors established by the
28 National Board of Certified Counselors (NBCC) are comparable
29 to the standards established for teachers by the National
30 Board of Professional Teaching Standards. It is therefore the
31 Legislature's intent to provide incentives for teachers and

1 guidance counselors to seek NBPTS or NBCC certification and to
2 reward those teachers who demonstrate ~~teaching~~ excellence by
3 attaining NBPTS or NBCC certification and sharing their
4 expertise with their peers ~~other teachers~~.

5 (2) The Excellent Teaching Program is created to
6 provide categorical funding for monetary incentives and
7 bonuses for teaching excellence. The Department of Education
8 shall distribute to each school district or to the NBPTS an
9 amount as prescribed annually by the Legislature for the
10 Excellent Teaching Program. Unless otherwise provided in the
11 General Appropriations Act, each distribution shall be the sum
12 of the amounts earned for the following incentives and
13 bonuses:

14 (a) A fee subsidy to be paid by the Department of
15 Education to the NBPTS or NBCC on behalf of each individual
16 who is an employee of a district school board or a public
17 school within the school district, who is certified by the
18 district to have demonstrated satisfactory teaching
19 performance pursuant to s. 231.29 and who satisfies the
20 prerequisites for participating in the NBPTS or NBCC
21 certification program, and who agrees, in writing, to pay 10
22 percent of the NBPTS or NBCC participation fee and to
23 participate in the ~~NBPTS~~ certification program during the
24 school year for which the fee subsidy is provided. The fee
25 subsidy for each eligible participant shall be an amount equal
26 to 90 percent of the fee charged for participating in the
27 ~~NBPTS~~ certification program, but not more than \$1,800 per
28 eligible participant. The fee subsidy is a one-time award and
29 may not be duplicated for any individual.

30 (b) A portfolio-preparation incentive of \$150 paid by
31 the Department of Education to each teacher or guidance

1 counselor employed by a district school board or a public
2 school within a school district who is participating in the
3 NBPTS or NBCC certification program. The portfolio-preparation
4 incentive is a one-time award paid during the school year for
5 which the NBPTS or NBCC fee subsidy is provided.

6 (c) For teachers, an annual bonus equal to 10 percent
7 of the prior fiscal year's statewide average salary for
8 classroom teachers, and for guidance counselors 10 percent of
9 the prior fiscal year's statewide average salary for guidance
10 counselors, to be distributed to the school district to be
11 paid to each individual who holds NBPTS or NBCC certification
12 and is employed by the district school board or by a public
13 school within the school district. The district school board
14 shall distribute the annual bonus to each individual who meets
15 the requirements of this paragraph and who is certified
16 annually by the district to have demonstrated satisfactory
17 teaching performance pursuant to s. 231.29. The annual bonus
18 may be paid as a single payment or divided into not more than
19 three payments.

20 (d) For teachers, an annual bonus equal to 10 percent
21 of the prior fiscal year's statewide average salary for
22 classroom teachers, and for guidance counselors 10 percent of
23 the prior fiscal year's statewide average salary for guidance
24 counselors, to be distributed to the school district to be
25 paid to each individual who meets the requirements of
26 paragraph (c) and agrees, in writing, to provide the
27 equivalent of 12 workdays of mentoring and related services to
28 public school teachers or guidance counselors within the
29 district who do not hold NBPTS or NBCC certification. The
30 district school board shall distribute the annual bonus in a
31 single payment following the completion of all required

1 mentoring and related services for the year. It is not the
2 intent of the Legislature to remove excellent teachers from
3 their assigned classrooms or guidance counselors from their
4 assigned duties; therefore, credit may not be granted by a
5 school district or public school for mentoring or related
6 services provided during the regular school day or during the
7 196 days of required service for the school year.

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9 A teacher or guidance counselor for whom the state pays the
10 certification fee and who does not complete the certification
11 program or does not teach in a public school of this state for
12 a least 1 year after completing the certification program must
13 repay the amount of the certification fee to the state.
14 However, a teacher or guidance counselor who completes the
15 certification program but fails to be awarded NBPTS or NBCC
16 certification is not required to repay the amount of the
17 certification fee if the teacher or guidance counselor meets
18 the 1-year teaching requirement. Repayment is not required of
19 a teacher or guidance counselor who does not complete the
20 certification program or fails to fulfill the teaching
21 requirement because of the teacher's or guidance counselor's
22 death or disability or because of other extenuating
23 circumstances as determined by the State Board of Education.

24 (3)(a) In addition to any other remedy available under
25 the law, any person who is a recipient of a certification fee
26 subsidy paid to the NBPTS or NBCC and who is an employee of
27 the state or any of its political subdivisions is considered
28 to have consented, as a condition of employment, to the
29 voluntary or involuntary withholding of wages to repay to the
30 state the amount of such a certification fee subsidy awarded
31 under this section. Any such employee who defaults on the

1 repayment of such a certification fee subsidy must, within 60
2 days after service of a notice of default by the Department of
3 Education to the employee, establish a repayment schedule
4 which must be agreed to by the department and the employee,
5 for repaying the defaulted sum through payroll deductions. The
6 department may not require the employee to pay more than 10
7 percent of the employee's pay per pay period under such a
8 repayment schedule or plan. If the employee fails to establish
9 a repayment schedule within the specified period of time or
10 fails to meet the terms and conditions of the agreed upon or
11 approved repayment schedule as authorized by this subsection,
12 the employee has breached an essential condition of employment
13 and is considered to have consented to the involuntary
14 withholding of wages or salary for the repayment of the
15 certification fee subsidy.

16 (b) A person who is employed by the state, or any of
17 its political subdivisions, may not be dismissed for having
18 defaulted on the repayment of the certification fee subsidy to
19 the state.

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

24 Section 2. This act shall take effect July 1, 2000.

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SENATE SUMMARY

Includes certain guidance counselors in the Excellent Teaching Program.