

By Senator Dyer

14-500-00

See HB

1 A bill to be entitled
2 An act relating to the Excellent Teaching
3 Program; amending s. 236.08106, F.S.; revising
4 the Excellent Teaching Program to include
5 guidance counselors who participate in the
6 National Board of Certified Counselors
7 certification program; providing an effective
8 date.

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

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13 Section 1. Section 236.08106, Florida Statutes, is
14 amended to read:

15 236.08106 Excellent Teaching Program.--

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

1 the Legislature's intent to provide incentives for teachers
2 and guidance counselors to seek NBPTS or NBCC certification
3 and to reward teachers and guidance counselors who demonstrate
4 ~~teaching~~ excellence in their respective field by attaining
5 NBPTS or NBCC certification and sharing their expertise with
6 their peers ~~other teachers~~.

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

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

1 (b) A portfolio-preparation incentive of \$150 paid by
2 the Department of Education to each teacher or guidance
3 counselor employed by a district school board or a public
4 school within a school district who is participating in the
5 NBPTS or NBCC certification program. The portfolio-preparation
6 incentive is a one-time award paid during the school year for
7 which the NBPTS or NBCC fee subsidy is provided.

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

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

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

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

27 (3)(a) In addition to any other remedy available under
28 the law, any person who is a recipient of a certification fee
29 subsidy paid to the NBPTS or NBCC and who is an employee of
30 the state or any of its political subdivisions is considered
31 to have consented, as a condition of employment, to the

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

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

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

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28 For purposes of this section, the provision of guidance
29 counseling is to be considered teaching.

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

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LEGISLATIVE SUMMARY

Revises the Excellent Teaching Program to include
guidance counselors who participate in the National Board
of Certified Counselors certification program.