

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on State Administration offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

236.08106 Excellent Teaching Program.--

(1) The Legislature recognizes that teachers play a critical role in preparing students to achieve the high levels of academic performance expected by the Sunshine State Standards. The Legislature further recognizes the importance of identifying and rewarding teaching excellence and of encouraging good teachers to become excellent teachers. The Legislature finds that the National Board of Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary system for assessing and certifying teachers who demonstrate teaching excellence by meeting those standards. It is therefore the Legislature's intent to provide

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1 incentives for teachers to seek NBPTS certification and to
2 reward teachers who demonstrate teaching excellence by
3 attaining NBPTS certification and sharing their expertise with
4 other teachers.

5 (2) The Excellent Teaching Program is created to
6 provide categorical funding for monetary incentives and
7 compensation bonuses for teaching excellence. The Department
8 of Education shall distribute to each school district or to
9 the NBPTS an amount as prescribed annually by the Legislature
10 for the Excellent Teaching Program. For purposes of this
11 section, the Florida School for the Deaf and the Blind shall
12 be considered a school district. 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 compensation bonuses:

16 (a) A fee subsidy to be paid by the Department of
17 Education to the NBPTS on behalf of each individual who is an
18 employee of a district school board or a public school within
19 the school district, who is certified by the district to have
20 demonstrated satisfactory teaching performance pursuant to s.
21 231.29 and who satisfies the prerequisites for participating
22 in the NBPTS certification program, and who agrees, in
23 writing, to pay 10 percent of the NBPTS participation fee and
24 to participate in the NBPTS certification program during the
25 school year for which the fee subsidy is provided. The fee
26 subsidy for each eligible participant shall be an amount equal
27 to 90 percent of the fee charged for participating in the
28 NBPTS certification program. The fee subsidy is a one-time
29 award and 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 employed by a

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

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

18 (d) An annual compensation bonus equal to 10 percent
19 of the prior fiscal year's statewide average salary for
20 classroom teachers to be distributed to the school district to
21 be paid to each individual who meets the requirements of
22 paragraph (c) and agrees, in writing, to provide the
23 equivalent of 12 workdays of mentoring and related services to
24 public school teachers within the state who do not hold NBPTS
25 certification. The district school board shall distribute the
26 annual compensation bonus in a single payment following the
27 completion of all required mentoring and related services for
28 the year. It is not the intent of the Legislature to remove
29 excellent teachers from their assigned classrooms; therefore,
30 credit may not be granted by a school district or public
31 school for mentoring or related services provided during the

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1 regular school day or during the 196 days of required service
2 for the school year.

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

17 (3)(a) In addition to any other remedy available under
18 the law, any person who is a recipient of a certification fee
19 subsidy paid to the NBPTS and who is an employee of the state
20 or any of its political subdivisions is considered to have
21 consented, as a condition of employment, to the voluntary or
22 involuntary withholding of wages to repay to the state the
23 amount of such a certification fee subsidy awarded under this
24 section. Any such employee who defaults on the repayment of
25 such a certification fee subsidy must, within 60 days after
26 service of a notice of default by the Department of Education
27 to the employee, establish a repayment schedule which must be
28 agreed to by the department and the employee, for repaying the
29 defaulted sum through payroll deductions. The department may
30 not require the employee to pay more than 10 percent of the
31 employee's pay per pay period under such a repayment schedule

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1 or plan. If the employee fails to establish a repayment
2 schedule within the specified period of time or fails to meet
3 the terms and conditions of the agreed upon or approved
4 repayment schedule as authorized by this subsection, the
5 employee has breached an essential condition of employment and
6 is considered to have consented to the involuntary withholding
7 of wages or salary for the repayment of the certification fee
8 subsidy.

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

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

17 Section 2. This act shall take effect July 1, 2001.
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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, lines 2 through 8,
23 remove from the title of the bill: all of said lines
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25 and insert in lieu thereof:

26 An act relating to education; amending s.
27 236.08106, F.S.; reclassifying bonuses provided
28 under the Excellent Teacher Program as
29 compensation; providing an effective date.
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