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An act relating to the Excellent Teaching Program; creating ss. 1012.72, 1010.72, F.S.; redesignating a program and trust fund as the "Dale Hickam Excellent Teaching Program" and the "Dale Hickam Excellent Teaching Program Trust Fund"; repealing ss. 236.08106, 236.08107, F.S., relating to the Excellent Teaching Program and the Excellent Teaching Program Trust Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

WHEREAS, Dale Hickam served the Florida Senate with integrity and distinction for 22 years as a staff member of its education appropriations committee, and

WHEREAS, Dale Hickam supported the Legislature's initiative and the decisionmaking process through a unique combination of skills, including meticulous attention to detail, great personal warmth, and a vigorous approach to difficult funding issues, and

WHEREAS, Dale Hickam was a skilled and beloved teacher who traveled all over the United States to lead seminars on personal growth and relationship building, and

WHEREAS, hundreds of Florida teachers and millions of Florida students received the benefit of Dale Hickam's care and expertise without knowing his name, and

WHEREAS, the 1998 Legislature relied upon Dale Hickam's research and ingenuity to create a program that has gained national prominence for its improvements in the quality and

1 rewards associated with teaching in Florida's public schools,
2 and

3 WHEREAS, it is fitting that the Legislature commemorate
4 the life and work of our friend and colleague, Dale Hickam,
5 NOW, THEREFORE,

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Section 1012.72, Florida Statutes, is
10 created to read:

11 1012.72 Dale Hickam Excellent Teaching Program.--

12 (1) The Legislature recognizes that teachers play a
13 critical role in preparing students to achieve the high levels
14 of academic performance expected by the Sunshine State
15 Standards. The Legislature further recognizes the importance
16 of identifying and rewarding teaching excellence and of
17 encouraging good teachers to become excellent teachers. The
18 Legislature finds that the National Board of Professional
19 Teaching Standards (NBPTS) has established high and rigorous
20 standards for accomplished teaching and has developed a
21 national voluntary system for assessing and certifying
22 teachers who demonstrate teaching excellence by meeting those
23 standards. It is therefore the Legislature's intent to provide
24 incentives for teachers to seek NBPTS certification and to
25 reward teachers who demonstrate teaching excellence by
26 attaining NBPTS certification and sharing their expertise with
27 other teachers.

28 (2) The Dale Hickam Excellent Teaching Program is
29 created to provide categorical funding for monetary incentives
30 and bonuses for teaching excellence. The Department of
31 Education shall distribute to each school district or to the

1 NBPTS an amount as prescribed annually by the Legislature for
2 the Dale Hickam Excellent Teaching Program. For purposes of
3 this section, the Florida School for the Deaf and the Blind
4 shall be considered a school district. Unless otherwise
5 provided in the General Appropriations Act, each distribution
6 shall be the sum of the amounts earned for the following
7 incentives and bonuses:

8 (a) A fee subsidy to be paid by the Department of
9 Education to the NBPTS on behalf of each individual who is an
10 employee of a district school board or a public school within
11 the school district, who is certified by the district to have
12 demonstrated satisfactory teaching performance pursuant to s.
13 1012.34 and who satisfies the prerequisites for participating
14 in the NBPTS certification program, and who agrees, in
15 writing, to pay 10 percent of the NBPTS participation fee and
16 to participate in the NBPTS certification program during the
17 school year for which the fee subsidy is provided. The fee
18 subsidy for each eligible participant shall be an amount equal
19 to 90 percent of the fee charged for participating in the
20 NBPTS certification program. The fee subsidy is a one-time
21 award and may not be duplicated for any individual.

22 (b) A portfolio-preparation incentive of \$150 paid by
23 the Department of Education to each teacher employed by a
24 district school board or a public school within a school
25 district who is participating in the NBPTS certification
26 program. The portfolio-preparation incentive is a one-time
27 award paid during the school year for which the NBPTS fee
28 subsidy is provided.

29 (c) 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 holds NBPTS certification and is employed by
2 the district school board or by a public school within the
3 school district. The district school board shall distribute
4 the annual bonus to each individual who meets the requirements
5 of this paragraph and who is certified annually by the
6 district to have demonstrated satisfactory teaching
7 performance pursuant to s. 1012.34. The annual bonus may be
8 paid as a single payment or divided into not more than three
9 payments.

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

25
26 A teacher for whom the state pays the certification fee and
27 who does not complete the certification program or does not
28 teach in a public school of this state for at least 1 year
29 after completing the certification program must repay the
30 amount of the certification fee to the state. However, a
31 teacher who completes the certification program but fails to

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

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

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

5 (4) The State Board of Education may adopt rules as
6 necessary to administer the provisions for payment of the fee
7 subsidies, incentives, and bonuses and for the repayment of
8 defaulted certification fee subsidies under this section.

9 Section 2. Section 1010.72, Florida Statutes, is
10 created to read:

11 1010.72 Dale Hickam Excellent Teaching Program Trust
12 Fund.--The Dale Hickam Excellent Teaching Program Trust Fund
13 is created to be administered by the Department of Education.
14 Funds must be credited to the trust fund as provided in
15 chapter 98-309, Laws of Florida, to be used for the purposes
16 set forth therein.

17 Section 3. Section 236.08106, Florida Statutes, as
18 amended by section 15 of chapter 2001-47, Laws of Florida, and
19 section 236.08107, Florida Statutes, are repealed.

20 Section 4. If any law that is amended by this act was
21 also amended by a law enacted at the 2002 Regular Session of
22 the Legislature, such laws shall be construed as if they had
23 been enacted at the same session of the Legislature, and full
24 effect should be given to each if that is possible.

25 Section 5. This act shall take effect upon becoming a
26 law.

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