

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1536
 SPONSOR: Senator Campbell
 SUBJECT: School District Personnel
 DATE: April 6, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Matthews	O'Farrell	ED	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	AED	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes a school district to implement the requirements of recognizing teaching service earned out-of-district for purposes of pay over time as long as the district demonstrates progress each year towards full implementation.

This bill amends s. 1012.33, F.S.

II. Present Situation:

Section 1012.33(3)(g), F.S., provides that each year of teaching experience of instructional staff, supervisors, and school principals who enter into a written contract with a school district after July 1, 2001, and were not employed by the hiring district as of June 30, 2001, must be recognized by the school district for purposes of pay. The school district may only accept full-time teaching service in a public school for which the employee received a satisfactory performance evaluation. Instructional personnel employed pursuant to the second career program under s. 121.091(9)(b)3., F.S., are exempt from the recognition of teaching service requirement.

While the Department of Education collects data on the years of experience of classroom teachers per school district, the department does not collect data on which of the classroom teachers would be eligible for the out-of-district pay recognition requirements. A request has been made for a survey of the school districts. A partial response received at this time indicates the following school districts and their implementation of s. 1012.33(3)(g), F.S.:

- Hillsborough County – Beginning March 1, 2002, all existing instructional personnel who had previous out-of-district experience received full credit. All new hires receive full

credit for all years of satisfactory public school teaching experience. No employees were given retroactive pay increases.

- Hardee County – Beginning July 1, 2002, all new hires receive full credit for out-of-district teaching experience.
- Gulf County – All verifiable teaching experience is accepted.
- Alachua County – Beginning July 1, 2001, all new hires into the district receive credit for all out-of-district teaching experience not to exceed current school board instructional staff with comparable experience, which is currently capped at 31 years.

Certain school districts have delayed implementation of the out-of-district teaching service pay recognition requirement by relying on their current collective bargaining agreements. However, the collective bargaining agreements will or have already expired. Renegotiation of the bargaining agreements is subject to the pay recognition requirements of s. 1012.33(3)(g), F.S.

Some school districts provide a cap on teaching experience that is recognized for pay purposes. The caps vary from district to district. In Broward County School District, the cap is set at 13 years of recognized teaching experience in the state or other teaching experience in a school district accredited by a recognized accrediting agency.

The pay recognition provision was enacted to encourage more instructional staff to teach in the state as their years of teaching service would be fully recognized. The provision was limited to out-of-district teaching service in order to reduce the cost of implementing the program. Critics of the provision argue that the cost of recognizing full teaching experience makes hiring these teachers too expensive. They also argue that morale of the instructional staff is impacted because those teachers who have taught in the district would not be eligible for full recognition of their teaching service. Finally, they argue that the instructional staff is encouraged to district shop in order to obtain full recognition of their teaching experience. Of course, these criticisms can be essentially boiled down to certain school districts believe that implementing the pay recognition program is too expensive. The law does not prohibit a school district from voluntarily recognizing in-district teaching service for pay purposes. Moreover, the differences in district implementation create the lack of uniformity that encourages district shopping by instructional staff.

III. Effect of Proposed Changes:

The bill authorizes a school district to implement the out-of-district pay recognition provision of s. 1012.33(3)(g), F.S., over time as long as the school district demonstrates progress each year towards full implementation.

The terms “over time” and “progress” are not defined and are accordingly vague. The bill, in effect, would authorize a school district to avoid complying with the out-of-district pay recognition requirements. In addition, a school district may incur litigation exposure if an eligible employee is successful in establishing that the school district has not demonstrated the appropriate level of progress each year in recognizing teacher service.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The bill may be constitutionally challenged for an alleged contracts clause violation of s. 10, Art. I of the state constitution, in those districts that have already incorporated the out-of-district pay recognition requirements into their collective bargaining agreements and yet seek to phase-in full implementation.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Authorizing a school district to delay implementation of the out-of-district teaching service recognition requirements may provide some indeterminate fiscal benefit to certain school districts. For example, Hillsborough County incurs an annual payroll expense of \$3.3 million to provide full out-of-district teaching experience credit to current instructional staff. However, the fiscal benefit may be mitigated by a loss of teachers being employed by the district.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
