

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 115 Florida School Recognition Program

**SPONSOR(S):** Fiorentino

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 1808

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) General Education (Sub)	5 Y, 1 N	Aldis	Bohannon
2) Education K-20	23 Y, 1 N	Aldis	Bohannon
3) Education Appropriations			
4) Appropriations			
5)			

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### SUMMARY ANALYSIS

This bill addresses the issue of distribution of school recognition program awards at the school level. When the school staff and school advisory council do not agree on how to use the funds before November 1<sup>st</sup>, the bill distributes 40% of the funds equally to all school employees. The use of the remaining 60% is decided by the school advisory council and can be used to maintain or improve student performance through the purchase of educational equipment, educational materials, or temporary personnel for the school. However, the school advisory council may not award bonuses to faculty and staff.

By setting the amount distributed to school staff if an agreement is not reached and prohibiting the school advisory council from awarding bonuses, the bill may encourage school staff and school advisory councils to negotiate and jointly reach an agreement on how to use school recognition program awards.

This bill does not appear to have a fiscal impact on state or local governments.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0115b.edk.doc

**DATE:** March 15, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |                                         |
|--------------------------------------|------------------------------|-----------------------------|-----------------------------------------|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Law

The Florida School Recognition Program created in s. 1008.36, F.S. provides financial awards to public schools that improve a letter grade or maintain an “A” based upon the school grading system established in s. 1008.34, F.S. The Legislature has found that a need exists for a performance incentive program for outstanding faculty and staff to reward productivity.<sup>1</sup>

School recognition awards are currently distributed as determined jointly by school staff and the school advisory council (SAC). The awards may be used only for the following nonrecurring expenditures:

- Faculty and staff bonuses.
- Educational equipment or materials to assist in maintaining and improving student performance.
- Temporary personnel for the school to assist in maintaining and improving student performance.

If school staff and the SAC cannot agree on how the funds are to be used before November 1<sup>st</sup>, the awards are distributed equally to all classroom teachers.

Before November 1<sup>st</sup>, the school staff and the SAC are to decide “jointly” how the school recognition awards are to be used.<sup>2</sup> However, when the school staff and SAC disagree on the use of the funds there is a disincentive for the school staff to negotiate because a failure to reach an agreement results in a large portion of the staff, classroom teachers, receiving all of the funds. This distribution process has generated complaints and controversy in a number of school districts.<sup>3</sup> The Department of Education does not currently collect data to determine how often school staff and SACs fail to reach agreement before November 1<sup>st</sup>, so the magnitude of the problem is not known.

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<sup>1</sup> The language expressing legislative findings currently in s. 1008.36(1) was originally expressed in section 3 of Chapter 97-212, Laws of Florida. The finding was adopted again in the School Code Rewrite, section 381 of Chapter 2002-387, Laws of Florida.

<sup>2</sup> Section 1008.36(4), F.S.

<sup>3</sup> Committee staff fielded a number of questions about the distribution of school recognition awards around the November 1<sup>st</sup> agreement deadline. In addition, a number of newspaper articles have discussed some of the disagreements between SACs and school staff in Pasco, Hillsborough, Orange, Seminole, and Alachua counties.

## **The Bill**

This bill changes how school recognition program funds are distributed when an agreement cannot be reached by November 1<sup>st</sup>. The bill distributes 40% of the funds equally to all school employees and 60% for use by the SAC. It also establishes how the SAC may use the funds it receives. SACs may use funds to maintain or improve student performance through the purchase of educational equipment, educational materials, or temporary personnel for the school, but the SAC may not award bonuses to faculty and staff.

By setting the amount distributed to school staff if an agreement is not reached and prohibiting the SAC from using its funds to award staff bonuses, this bill removes any disincentive staff may have had to refuse to negotiate or work with the SAC. In situations where a school fails to reach agreement prior to November 1<sup>st</sup>, classroom teachers could see their share of the incentive bonus reduced from 100% under current law to approximately 22%.<sup>4</sup> It is also worth noting that full-time and part-time employees are not differentiated. When part-time employees are added to the number of school staff that must equally share the bonus funds, the percentage of the school recognition award available to classroom teachers is further reduced.

The bill gives the SAC a larger voice in the distribution process. The SAC has more input into agreements reached before November 1<sup>st</sup> because without SAC approval the mandatory distribution giving 40% to staff bonuses and 60% to the SAC for school improvement applies. It cannot be determined if this would place a disincentive on the SAC to reach agreement with the school staff, but it is not likely because the SAC is composed of a diverse group of stakeholders who should not be influenced by self-interest.<sup>5</sup>

Overall, this bill may encourage school staff and SACs to negotiate and jointly reach an agreement on how to use the school recognition program awards.

### **C. SECTION DIRECTORY:**

Section 1: Amends s. 1008.36, F.S.; revises the way school recognition program dollars are distributed when the school advisory council and school staff cannot reach agreement by November 1<sup>st</sup>.

Section 2: Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

This bill does not appear to have a fiscal impact on state revenues.

#### **2. Expenditures:**

This bill does not appear to have a fiscal impact on state expenditures.

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<sup>4</sup> The percentage of funds available for classroom teacher bonuses (22%) was calculated by taking the 40% available for staff bonuses and multiplying that by 55% which is the percent of positions statewide designated as instructional staff.

<sup>5</sup> Section 1001.452, F.S., provides that a SAC should be composed of "the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school" with a majority of members not school employees.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

This bill does not appear to have a direct economic impact on the private sector.

**D. FISCAL COMMENTS:**

This bill does not appear to have a fiscal impact. Although the bill does modify the distribution of school recognition program awards at the school level, it does not alter the amount awarded by the state. In situations where an agreement on how to use school recognition funds is not reached before November 1<sup>st</sup>, classroom teachers will receive approximately 22% of the funds they receive under current law.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

2. Other:

This bill does not appear to violate any constitutional provisions.

**B. RULE-MAKING AUTHORITY:**

This bill does not grant additional rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**