

Bill No. SB 2048

Barcode 882544

CHAMBER ACTION

Senate

House

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The Committee on Education (Lynn) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 120, line 14, through  
page 128, line 5, delete those lines

and insert: s. 1012.22 ~~salary career ladder defined in s. 1012.231.~~

Section 53. Subsection (1) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.--

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(10) ~~s. 1011.62(9)~~ shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount

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1 certified by the commissioner as the minimum millage rate  
 2 necessary to provide the district required local effort for  
 3 the current year, pursuant to s. 1011.62(4)(a)1. In addition  
 4 to the required local effort millage levy, each district  
 5 school board may levy a nonvoted current operating  
 6 discretionary millage. The Legislature shall prescribe  
 7 annually in the appropriations act the maximum amount of  
 8 millage a district may levy. The millage rate prescribed shall  
 9 exceed zero mills but shall not exceed the lesser of 1.6 mills  
 10 or 25 percent of the millage which is required pursuant to s.  
 11 1011.62(4), exclusive of millage levied pursuant to subsection  
 12 (2).

13 Section 54. Subsection (6) is added to section  
 14 1012.21, Florida Statutes, to read:

15 1012.21 Department of Education duties; K-12  
 16 personnel.--

17 (6) REPORTING.--The Department of Education shall  
 18 annually post online links to each school district's  
 19 collective bargaining contracts and the salary and benefits of  
 20 the personnel or officers of any educator association which  
 21 were paid by the school district pursuant to s. 1012.22. The  
 22 department shall prescribe the computer format for district  
 23 school boards to use in providing the information.

24 Section 55. Paragraphs (c), (h), and (i) of subsection  
 25 (1) of section 1012.22, Florida Statutes, are amended, and  
 26 subsection (3) is added to that section, to read:

27 1012.22 Public school personnel; powers and duties of  
 28 the district school board.--The district school board shall:

29 (1) Designate positions to be filled, prescribe  
 30 qualifications for those positions, and provide for the  
 31 appointment, compensation, promotion, suspension, and

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1 dismissal of employees as follows, subject to the requirements  
2 of this chapter:

3 (c) Compensation and salary schedules.--

4 1. The district school board shall adopt a salary  
5 schedule or salary schedules designed to furnish incentives  
6 for improvement in training and for continued efficient  
7 service to be used as a basis for paying all school employees  
8 and fix and authorize the compensation of school employees on  
9 the basis thereof.

10 2. A district school board, in determining the salary  
11 schedule for instructional personnel, must base a portion of  
12 each employee's compensation on performance demonstrated under  
13 s. 1012.34, must consider the prior teaching experience of a  
14 person who has been designated state teacher of the year by  
15 any state in the United States, and must consider prior  
16 professional experience in the field of education gained in  
17 positions in addition to district level instructional and  
18 administrative positions.

19 3. In developing the salary schedule, the district  
20 school board shall seek input from parents, teachers, and  
21 representatives of the business community.

22 4. Beginning with the 2002-2003 fiscal year, each  
23 district school board must adopt a performance-pay policy for  
24 school administrators and instructional personnel. The  
25 district's performance-pay policy is subject to negotiation as  
26 provided in chapter 447; however, the adopted salary schedule  
27 must allow school administrators and instructional personnel  
28 who demonstrate outstanding performance, as measured under s.  
29 1012.34, to earn a 5-percent supplement in addition to their  
30 individual, negotiated salary. The supplements shall be funded  
31 from the performance-pay reserve funds adopted in the salary

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1 schedule. ~~Beginning with the 2004-2005 academic year, the~~  
 2 ~~district's 5-percent performance-pay policy must provide for~~  
 3 ~~the evaluation of classroom teachers within each level of the~~  
 4 ~~salary career ladder provided in s. 1012.231.~~ The Commissioner  
 5 of Education shall determine whether the district school  
 6 board's adopted policy and salary schedule complies with the  
 7 requirement for performance-based pay. If the district school  
 8 board fails to comply with this section, the commissioner may  
 9 ~~shall~~ withhold disbursements from the Educational Enhancement  
 10 Trust Fund to the district and take any other measure provided  
 11 by law necessary to ensure compliance until compliance is  
 12 verified.

13 5. Beginning with the 2007-2008 academic year, each  
 14 district school board shall adopt a salary schedule with  
 15 differentiated pay for both instructional personnel and  
 16 school-based administrators. The salary schedule is subject to  
 17 negotiation as provided in chapter 447 and must allow  
 18 differentiated pay based on district-determined factors,  
 19 including, but not limited to, additional responsibilities,  
 20 school demographics, critical shortage areas, and level of job  
 21 performance difficulties.

22 (h) Planning and training time for teachers.--The  
 23 district school board shall ~~may~~ adopt rules to make provisions  
 24 for teachers to have time for lunch, professional ~~and some~~  
 25 planning, and professional development ~~training~~ time when they  
 26 will not be directly responsible for the children if, ~~provided~~  
 27 ~~that~~ some adult supervision is ~~shall be~~ furnished for the  
 28 students during such periods.

29 (i) Comprehensive program of staff development.--The  
 30 district school board shall establish a comprehensive program  
 31 of staff development that incorporates school improvement

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1 plans pursuant to s. 1001.42 and is aligned with principal  
2 leadership training pursuant to s. 1012.985 as a part of the  
3 plan.

4 (3) Annually provide to the Department of Education  
5 the negotiated collective bargaining contract for the school  
6 district and the salary and benefits for the personnel or  
7 officers of any educator association which are paid by the  
8 school district. The district school board shall report using  
9 the computer format prescribed by the department pursuant to  
10 s. 1012.21.

11 Section 56. Section 1012.2315, Florida Statutes, is  
12 created to read:

13 1012.2315 Assignment of teachers.--

14 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
15 finds disparities between teachers assigned to teach in a  
16 majority of "A" graded schools and teachers assigned to teach  
17 in a majority of "F" graded schools. The disparities can be  
18 found in the average years of experience, the median salary,  
19 and the performance of the teachers on teacher certification  
20 examinations. It is the intent of the Legislature that  
21 district school boards have flexibility through the collective  
22 bargaining process to assign teachers more equitably across  
23 the schools in the district.

24 (2) ASSIGNMENT TO SCHOOLS GRADED "D" OR "F."--School  
25 districts may not assign a higher percentage than the school  
26 district average of first-time teachers, temporarily certified  
27 teachers, teachers in need of improvement, or out-of-field  
28 teachers to schools with above the school district average of  
29 minority and economically disadvantaged students or schools  
30 that are graded "D" or "F." Each school district shall  
31 annually certify to the Commissioner of Education that this

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1 requirement has been met. If the commissioner determines that  
 2 a school district is not in compliance with this subsection,  
 3 the State Board of Education shall be notified and shall take  
 4 action pursuant to s. 1008.32 in the next regularly scheduled  
 5 meeting to require compliance.

6 (3) SALARY INCENTIVES.--District school boards are  
 7 authorized to provide salary incentives to meet the  
 8 requirement of subsection (2). A district school board may not  
 9 sign a collective bargaining agreement that precludes the  
 10 school district from providing sufficient incentives to meet  
 11 this requirement.

12 (4) COLLECTIVE BARGAINING.--Notwithstanding provisions  
 13 of chapter 447 relating to district school board collective  
 14 bargaining, collective bargaining provisions may not preclude  
 15 a school district from providing incentives to high-quality  
 16 teachers and assigning such teachers to low-performing  
 17 schools.

18 Section 57. Subsection (2) of section 1012.27, Florida  
 19 Statutes, is amended to read:

20 1012.27 Public school personnel; powers and duties of  
 21 district school superintendent.--The district school  
 22 superintendent is responsible for directing the work of the  
 23 personnel, subject to the requirements of this chapter, and in  
 24 addition the district school superintendent shall perform the  
 25 following:

26 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
 27 recommend to the district school board for adoption a salary  
 28 schedule or salary schedules. The district school  
 29 superintendent must recommend a salary schedule for  
 30 instructional personnel which bases a portion of each  
 31 employee's compensation on performance demonstrated under s.

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1 1012.34. In developing the recommended salary schedule, the  
 2 district school superintendent shall include input from  
 3 parents, teachers, and representatives of the business  
 4 community. Beginning with the 2007-2008 ~~2004-2005~~ academic  
 5 year, the recommended salary schedule for classroom teachers  
 6 shall be consistent with the district's differentiated-pay  
 7 policy ~~career ladder~~ based upon s. 1012.22 ~~s. 1012.231~~.

8 Section 58. Subsection (6) of section 1012.28, Florida  
 9 Statutes, is amended to read:

10 1012.28 Public school personnel; duties of school  
 11 principals.--

12 (6) A school principal who fails to comply with this  
 13 section shall be ineligible for any portion of the performance  
 14 pay policy incentive under s. 1012.22 ~~s.~~

15  
 16 (Redesignate subsequent sections.)

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19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 9, lines 6-25, delete those lines

22  
 23 and insert:

24 amending s. 1012.22, F.S.; requiring that each  
 25 school district adopt a differentiated-pay  
 26 policy meeting specified criteria; requiring  
 27 each district school board to annually provide  
 28 to the department its negotiated collective  
 29 bargaining contract and the salary and benefits  
 30 of certain personnel; creating s.

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