

Amendment No.

CHAMBER ACTION

Senate

House

.

Representatives Pickens, Vana, and Seiler offered the following:

Amendment

Remove lines 294-424 and insert:

Section 8. Section 1012.72, Florida Statutes, as amended by chapter 2007-328, Laws of Florida, is amended to read:

1012.72 Dale Hickam 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 for ~~of~~ Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary

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17 system for assessing and certifying teachers who demonstrate
18 teaching excellence by meeting those standards. It is therefore
19 the Legislature's intent ~~to provide incentives for teachers to~~
20 ~~seek NBPTS certification and~~ to reward teachers who demonstrate
21 teaching excellence by attaining NBPTS certification ~~and sharing~~
22 ~~their expertise with other teachers.~~

23 (2) The Dale Hickam Excellent Teaching Program is created
24 to provide categorical funding for ~~monetary incentives and~~
25 bonuses for teaching excellence. The Department of Education
26 shall distribute to each school district ~~or to the NBPTS~~ an
27 amount as prescribed annually by the Legislature for the Dale
28 Hickam Excellent Teaching Program. For purposes of this section,
29 the Florida School for the Deaf and the Blind shall be
30 considered a school district. Unless otherwise provided in the
31 General Appropriations Act, each distribution shall be the sum
32 of the amounts earned for the following ~~incentives and bonuses:~~

33 ~~(a) A fee subsidy to be paid by the Department of~~
34 ~~Education to the NBPTS on behalf of each individual who is an~~
35 ~~employee of a district school board or a public school within~~
36 ~~the school district, who is certified by the district to have~~
37 ~~demonstrated satisfactory teaching performance pursuant to s.~~
38 ~~1012.34 and who satisfies the prerequisites for participating in~~
39 ~~the NBPTS certification program, and who agrees, in writing, to~~
40 ~~pay 10 percent of the NBPTS participation fee and to participate~~
41 ~~in the NBPTS certification program during the school year for~~
42 ~~which the fee subsidy is provided. The fee subsidy for each~~
43 ~~eligible participant shall be an amount equal to 90 percent of~~
44 ~~the fee charged for participating in the NBPTS certification~~

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45 ~~program. The fee subsidy is a one time award and may not be~~
46 ~~duplicated for any individual.~~

47 ~~(b) A portfolio preparation incentive of \$150 paid by the~~
48 ~~Department of Education to each teacher employed by a district~~
49 ~~school board or a public school within a school district who is~~
50 ~~participating in the NBPTS certification program. The portfolio~~
51 ~~preparation incentive is a one time award paid during the school~~
52 ~~year for which the NBPTS fee subsidy is provided.~~

53 ~~(a)(e)~~ An annual bonus equal to 10 percent of the prior
54 fiscal year's statewide average salary for classroom teachers to
55 be distributed to the school district to be paid to each
56 individual who holds NBPTS certification and is employed by the
57 district school board or by a public school within the school
58 district. The district school board shall distribute the annual
59 bonus to each individual who meets the requirements of this
60 paragraph and who is certified annually by the district to have
61 demonstrated satisfactory teaching performance pursuant to s.
62 1012.225 or s. 1012.34. The annual bonus may be paid as a single
63 payment or divided into not more than three payments.

64 ~~(d) An annual bonus equal to 10 percent of the prior~~
65 ~~fiscal year's statewide average salary for classroom teachers to~~
66 ~~be distributed to the school district to be paid to each~~
67 ~~individual who meets the requirements of paragraph (c) and~~
68 ~~agrees, in writing, to provide the equivalent of 12 workdays of~~
69 ~~mentoring and related services to public school teachers within~~
70 ~~the state who do not hold NBPTS certification. Related services~~
71 ~~must include instruction in helping teachers work more~~
72 ~~effectively with the families of their students. The district~~

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73 ~~school board shall distribute the annual bonus in a single~~
74 ~~payment following the completion of all required mentoring and~~
75 ~~related services for the year. It is not the intent of the~~
76 ~~Legislature to remove excellent teachers from their assigned~~
77 ~~classrooms; therefore, credit may not be granted by a school~~
78 ~~district or public school for mentoring or related services~~
79 ~~provided during student contact time during the 196 days of~~
80 ~~required service for the school year.~~

81 ~~(b)(e)~~ The employer's share of social security and
82 Medicare taxes and ~~Florida Retirement System~~ contributions for
83 those teachers who ~~qualify for NBPTS certification~~ and receive
84 bonus amounts under paragraph (a).

85
86 ~~A teacher for whom the state pays the certification fee and who~~
87 ~~does not complete the certification program or does not teach in~~
88 ~~a public school of this state for at least 1 year after~~
89 ~~completing the certification program must repay the amount of~~
90 ~~the certification fee to the state. However, a teacher who~~
91 ~~completes the certification program but fails to be awarded~~
92 ~~NBPTS certification is not required to repay the amount of the~~
93 ~~certification fee if the teacher meets the 1 year teaching~~
94 ~~requirement. Repayment is not required of a teacher who does not~~
95 ~~complete the certification program or fails to fulfill the~~
96 ~~teaching requirement because of the teacher's death or~~
97 ~~disability or because of other extenuating circumstances as~~
98 ~~determined by the State Board of Education.~~

99 ~~(3)(a)~~ In addition to any other remedy available under the
100 law, any person who is a recipient of a certification fee

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101 ~~subsidy paid to the NBPTS and who is an employee of the state or~~
102 ~~any of its political subdivisions is considered to have~~
103 ~~consented, as a condition of employment, to the voluntary or~~
104 ~~involuntary withholding of wages to repay to the state the~~
105 ~~amount of such a certification fee subsidy awarded under this~~
106 ~~section. Any such employee who defaults on the repayment of such~~
107 ~~a certification fee subsidy must, within 60 days after service~~
108 ~~of a notice of default by the Department of Education to the~~
109 ~~employee, establish a repayment schedule which must be agreed to~~
110 ~~by the department and the employee, for repaying the defaulted~~
111 ~~sum through payroll deductions. The department may not require~~
112 ~~the employee to pay more than 10 percent of the employee's pay~~
113 ~~per pay period under such a repayment schedule or plan. If the~~
114 ~~employee fails to establish a repayment schedule within the~~
115 ~~specified period of time or fails to meet the terms and~~
116 ~~conditions of the agreed upon or approved repayment schedule as~~
117 ~~authorized by this subsection, the employee has breached an~~
118 ~~essential condition of employment and is considered to have~~
119 ~~consented to the involuntary withholding of wages or salary for~~
120 ~~the repayment of the certification fee subsidy.~~

121 ~~(b) A person who is employed by the state, or any of its~~
122 ~~political subdivisions, may not be dismissed for having~~
123 ~~defaulted on the repayment of the certification fee subsidy to~~
124 ~~the state.~~

125 ~~(4) The State Board of Education may adopt rules pursuant~~
126 ~~to ss. 120.536 and 120.54 as necessary to administer the~~
127 ~~provisions for payment of the fee subsidies, incentives, and~~

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128 ~~bonuses and for the repayment of defaulted certification fee~~
129 ~~subsidies under this section.~~

130 (3)~~(5)~~ If the funds available in any fiscal year are
131 insufficient to pay in full the annual bonuses under subsection
132 (2) ~~for certification and for providing mentoring and related~~
133 ~~services, payments for providing mentoring and related services~~
134 shall be prorated among the eligible recipients.