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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2010	.	
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The Policy and Steering Committee on Ways and Means (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete lines 829 - 976
and insert:

1011.626 Performance Fund for Instructional Personnel and School-Based Administrators.-

(1) LEGISLATIVE INTENT.-It is the intent of the Legislature to ensure that every student has a high-quality teacher in his or her classroom. The Legislature intends, therefore, to hold school districts accountable for demonstrably increasing student achievement.

(2) FINDINGS.-The Legislature finds that:



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13 (a) Quality classroom teachers and school-based
14 administrators are the single greatest indicators of student
15 achievement.

16 (b) A school district that fails to reward quality
17 classroom teachers or school-based administrators on the
18 performance of their students, and instead rewards these
19 individuals, in whole or in part, based on the number of years
20 worked or degrees held, has violated s. 1012.22(1)(c). A school
21 district's failure to comply with s. 1012.22(1)(c) fails to
22 maximize student learning by not providing the appropriate
23 incentives to attract and retain quality classroom teachers and
24 school-based administrators. As a result, students are penalized
25 for the acts or omissions of district school boards or district
26 school superintendents.

27 (c) A school district that fails to adopt and implement
28 end-of-course assessments that comply with s. 1008.222
29 frustrates the purpose of ensuring that each student has a high-
30 quality teacher in his or her classroom by preventing the
31 determination of the quality of a classroom teacher's or school-
32 based administrator's performance.

33 (d) A school district that fails to comply with s. 1012.335
34 frustrates the purpose of ensuring that each student has a high-
35 quality teacher in his or her classroom by preventing the school
36 district from promptly removing a poor-performing classroom
37 teacher from the classroom and employment.

38 (3) PERFORMANCE FUND.—Effective with the beginning of the
39 2011-2012 year and each year thereafter, the Performance Fund
40 for Instructional Personnel and School-Based Administrators is
41 established.



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42 (4) CALCULATION OF THE FUND.—No later than July 19 of each
43 year, the Commissioner of Education shall calculate for each
44 district an amount of state funds equivalent to 5 percent of the
45 total state, local, and federal funding determined by the
46 Florida Education Finance Program. Such funds shall be
47 designated as each district’s annual Performance Fund for
48 Instructional Personnel and School-Based Administrators.

49 (5) DISTRIBUTION OF THE FUND.—

50 (a) The commissioner shall distribute these funds in
51 accordance with the provisions of s. 1011.62(12) to a district
52 for the implementation of a salary schedule adopted by the
53 district school board pursuant to s. 1012.22, implementation of
54 a performance appraisal system pursuant to s. 1012.34, and the
55 development of end-of-course assessments pursuant to s.
56 1008.222. The funds may not be used to increase the base
57 salaries of employees rated as unsatisfactory or needs
58 improvement pursuant to s. 1012.34.

59 (b) If funds remain in a district’s Performance Fund for
60 Instructional Personnel and School-Based Administrators after
61 the end-of-course assessments in s. 1008.222, performance
62 appraisal system requirements in s. 1012.34, and salary schedule
63 requirements in s. 1012.22 have been met, the balance may be
64 used by the district for the same purpose as funds provided
65 pursuant to s. 1011.62(1)(t). Any funds remaining in a
66 district’s fund at the end of the state fiscal year shall revert
67 to the fund from which they were appropriated.

68 (c) A salary increase awarded from these funds shall be
69 awarded in addition to any general increase or other adjustments
70 to salaries which are made by a school district. An employee’s



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71 eligibility for or receipt of a salary increase shall not
72 adversely affect that employee's opportunity to qualify for or
73 to receive any other compensation that is made generally
74 available to other similarly situated district school board
75 employees.

76 (d) Each district shall annually set aside sufficient
77 federal grant funds to ensure that the policies described in
78 this section are equally applied to eligible individuals paid
79 from federal grants.

80 (6) REVIEW.—

81 (a) Beginning with the 2014-2015 fiscal year and each
82 fiscal year thereafter, each district school board must submit
83 the district-adopted salary schedule for the school year and
84 supporting documentation to the commissioner for review on or
85 before October 1 of each year. On or before December 15 of each
86 year, the commissioner shall complete a review of each salary
87 schedule submitted for that school year, determine compliance
88 with s. 1012.22(1)(c), and notify a district school board if the
89 district salary schedule fails to meet the requirements in s.
90 1012.22(1)(c). The commissioner shall certify those school
91 districts that do not comply with s. 1012.22(1)(c) to the
92 Governor, the President of the Senate, and the Speaker of the
93 House of Representatives on or before February 15 of each year.

94 (b) Beginning with the 2013-2014 fiscal year and
95 thereafter, the commissioner shall select a sampling of school
96 district end-of-course assessments from multiple districts, and
97 school districts must submit for review the requested
98 assessments and supporting documentation on or before October 1
99 of each year. A school district that fails to provide the



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100 requested assessment to the commissioner on or before October 1
101 of each year is in violation of s. 1008.222. On or before
102 December 15 of each year, the commissioner shall complete a
103 review of each selected assessment, determine compliance with s.
104 1008.222, and notify a district school board if the selected
105 assessment fails to meet the requirements in s. 1008.222. The
106 commissioner shall certify those school districts that do not
107 comply with s. 1008.222 to the Governor, the President of the
108 Senate, and the Speaker of the House of Representatives on or
109 before February 15 of each year.

110 (c) In its financial audit of each school district, the
111 Auditor General shall review a sample of classroom teacher
112 contracts and determine compliance with s. 1012.335. The Auditor
113 General shall document violations of s. 1012.335 and provide the
114 documentation to the commissioner on or before October 1 of each
115 year following the audit. On or before December 15 of each year,
116 the commissioner shall notify the Governor, the President of the
117 Senate, the Speaker of the House of Representatives, and each
118 school district identified in the audit that has not complied
119 with s. 1012.335.

120 (7) FUNDING ADJUSTMENT.—A school district that is certified
121 by the commissioner as not in compliance with the law as
122 described in paragraph (6) (a), paragraph (6) (b), or paragraph
123 (6) (c) shall receive a funding adjustment equal to the amount
124 calculated in subsection (4). Such funding adjustment shall be
125 implemented through the withholding of undistributed funds to
126 which the district is otherwise entitled. To the extent a
127 district's undistributed funds are insufficient to fully satisfy
128 the funding adjustment, the unsatisfied balance shall be



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129 withheld from the district's operating funds for the subsequent
130 fiscal year in the form of a prior year adjustment.

131 (8) RULEMAKING.—The State Board of Education shall adopt
132 rules pursuant to ss. 120.536(1) and 120.54 to implement this
133 section. Such rules shall include the documentation requirements
134 for districts, processes and criteria used for determining
135 whether the salary schedule, performance appraisal system, and
136 end-of-course assessments comply with this section, and the
137 reporting and monitoring processes that will be used to ensure
138 compliance with the use of funds distributed under paragraph
139 (5) (a).

140
141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete lines 70 - 89

144 and insert:

145 providing legislative findings and intent; creating
146 the Performance Fund for Instructional Personnel and
147 School-Based Administrators; providing for calculation
148 of the fund amount; providing for distribution of
149 funds to districts and specifying purposes for which
150 funds may be expended; providing for reversion of
151 unexpended funds; specifying that salary increases
152 from these funds are in addition to other salary
153 adjustments; specifying requirements for individuals
154 paid from federal grants; requiring that each district
155 school board submit its district adopted salary
156 schedule and certain assessments to the Commissioner
157 of Education for review; requiring that the



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158 commissioner determine compliance with requirements
159 applicable to the schedules and assessments; requiring
160 a review by the Auditor General of certain classroom
161 teacher contracts; requiring that the Commissioner of
162 Education notify the Governor and Legislature of
163 school districts that fail to comply with salary
164 schedule, assessment, and contract requirements;
165 requiring a specified funding adjustment to be imposed
166 against a school district for such failure to comply;
167 providing