

By Senator Jones

35-01556-21

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1 A bill to be entitled
2 An act relating to school administrator and
3 instructional personnel salaries; amending s. 1011.62,
4 F.S.; revising the teacher salary increase allocation
5 to include additional specified instructional
6 personnel; conforming provisions to changes made by
7 the act; amending s. 1012.01, F.S.; revising
8 definitions; amending s. 1012.22, F.S.; deleting
9 definitions of the terms "grandfathered salary
10 schedule" and "performance salary schedule";
11 authorizing, rather than requiring, district school
12 boards to provide salary adjustments related to
13 performance for certain personnel; conforming
14 provisions and cross-references to changes made by the
15 act; amending ss. 24.121, 1006.09, and 1012.28, F.S.;
16 conforming provisions to changes made by the act;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Paragraph (f) of subsection (1) and subsections
22 (11) and (18) of section 1011.62, Florida Statutes, are amended
23 to read:

24 1011.62 Funds for operation of schools.—If the annual
25 allocation from the Florida Education Finance Program to each
26 district for operation of schools is not determined in the
27 annual appropriations act or the substantive bill implementing
28 the annual appropriations act, it shall be determined as
29 follows:

35-01556-21

20211610__

30 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
31 OPERATION.—The following procedure shall be followed in
32 determining the annual allocation to each district for
33 operation:

34 (f) *Supplemental academic instruction allocation.*—

35 1. There is created the supplemental academic instruction
36 allocation to provide supplemental academic instruction to
37 students in kindergarten through grade 12.

38 2. The supplemental academic instruction allocation shall
39 be provided annually in the Florida Education Finance Program as
40 specified in the General Appropriations Act. These funds are in
41 addition to the funds appropriated on the basis of FTE student
42 membership in the Florida Education Finance Program and shall be
43 included in the total potential funds of each district.

44 Beginning with the 2018-2019 fiscal year, each school district
45 that has a school earning a grade of "D" or "F" pursuant to s.
46 1008.34 must use that school's portion of the supplemental
47 academic instruction allocation to implement intervention and
48 support strategies for school improvement pursuant to s. 1008.33
49 and for salary incentives pursuant to s. 1012.2315(3) ~~or salary~~
50 ~~supplements pursuant to s. 1012.22(1)(e)5.e.~~ that are provided
51 through a memorandum of understanding between the collective
52 bargaining agent and the school board that addresses the
53 selection, placement, and expectations of instructional
54 personnel and school administrators. Each school district that
55 has one or more of the 300 lowest-performing elementary schools
56 based on a 3-year average of the state reading assessment data
57 must use that school's portion of the allocation to provide an
58 additional hour per day of intensive reading for the students in

35-01556-21

20211610__

59 the school. The additional hour may be provided within the
60 school day. Students enrolled in these schools who earned a
61 level 4 or level 5 score on the statewide, standardized English
62 Language Arts assessment for the previous school year may
63 participate in the extra hour of instruction. For all other
64 schools, the school district's use of the supplemental academic
65 instruction allocation may include, but is not limited to, the
66 use of a modified curriculum, reading instruction, after-school
67 instruction, tutoring, mentoring, a reduction in class size,
68 extended school year, intensive skills development in summer
69 school, dropout prevention programs as defined in ss. 1003.52
70 and 1003.53(1)(a), (b), and (c), and other methods of improving
71 student achievement. Supplemental academic instruction may be
72 provided to a student in any manner and at any time during or
73 beyond the regular 180-day term identified by the school as
74 being the most effective and efficient way to best help that
75 student progress from grade to grade and to graduate.

76 3. The supplemental academic instruction allocation shall
77 consist of a base amount that has a workload adjustment based on
78 changes in unweighted FTE. The supplemental academic instruction
79 allocation shall be recalculated during the fiscal year. Upon
80 recalculation of funding for the supplemental academic
81 instruction allocation, if the total allocation is greater than
82 the amount provided in the General Appropriations Act, the
83 allocation shall be prorated to the level provided to support
84 the appropriation, based on each district's share of the total.

85 4. Funding on the basis of FTE membership beyond the 180-
86 day regular term shall be provided in the FEFP only for students
87 enrolled in juvenile justice education programs or in education

35-01556-21

20211610__

88 programs for juveniles placed in secure facilities or programs
89 under s. 985.19. Funding for instruction beyond the regular 180-
90 day school year for all other K-12 students shall be provided
91 through the supplemental academic instruction allocation and
92 other state, federal, and local fund sources with ample
93 flexibility for schools to provide supplemental instruction to
94 assist students in progressing from grade to grade and
95 graduating.

96 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
97 annually provide in the Florida Education Finance Program a
98 virtual education contribution. The amount of the virtual
99 education contribution shall be the difference between the
100 amount per FTE established in the General Appropriations Act for
101 virtual education and the amount per FTE for each district and
102 the Florida Virtual School, which may be calculated by taking
103 the sum of the base FEEP allocation, the discretionary local
104 effort, the state-funded discretionary contribution, the
105 discretionary millage compression supplement, the research-based
106 reading instruction allocation, the instructional personnel
107 ~~teacher~~ salary increase allocation, and the instructional
108 materials allocation, and then dividing by the total unweighted
109 FTE. This difference shall be multiplied by the virtual
110 education unweighted FTE for programs and options identified in
111 s. 1002.455 and the Florida Virtual School and its franchises to
112 equal the virtual education contribution and shall be included
113 as a separate allocation in the funding formula.

114 (18) INSTRUCTIONAL PERSONNEL ~~TEACHER~~ SALARY INCREASE
115 ALLOCATION.—The Legislature may annually provide in the Florida
116 Education Finance Program an instructional personnel ~~a teacher~~

35-01556-21

20211610__

117 salary increase allocation to assist school districts in their
118 recruitment and retention of classroom teachers and other
119 instructional personnel. The amount of the allocation shall be
120 specified in the General Appropriations Act.

121 (a) Each school district shall receive an allocation based
122 on the school district's proportionate share of the base FEFP
123 allocation. Each school district shall provide each charter
124 school within its district its proportionate share calculated
125 pursuant to s. 1002.33(17)(b).

126 (b) ~~Allocation funds are restricted in use as follows:~~

127 1. Each school district and charter school shall use its
128 share of the allocation to increase the minimum base salary for
129 full-time instructional personnel ~~classroom teachers~~, as defined
130 in s. 1012.01(2)(a)-(d) ~~s. 1012.01(2)(a)~~, plus certified
131 ~~prekindergarten teachers funded in the Florida Education Finance~~
132 ~~Program~~, to at least \$47,500, or to the maximum amount
133 achievable based on the allocation through collective
134 bargaining, and as specified in the General Appropriations Act.
135 The term "minimum base salary" means the lowest annual base
136 salary reported on the salary schedule for a full-time
137 instructional personnel ~~classroom teacher~~. No full-time
138 instructional personnel ~~classroom teacher~~ shall receive a salary
139 less than the minimum base salary as adjusted by this
140 subparagraph. This subparagraph does not apply to substitute
141 teachers.

142 2. ~~In addition, each school district shall use its share of~~
143 ~~the allocation to provide salary increases, as funding permits,~~
144 ~~for the following personnel:~~

145 a. ~~Full-time classroom teachers, as defined in s.~~

35-01556-21

20211610__

146 ~~1012.01(2)(a), plus certified prekindergarten teachers funded in~~
147 ~~the Florida Education Finance Program, who did not receive an~~
148 ~~increase or who received an increase of less than 2 percent~~
149 ~~under subparagraph 1. or as specified in the General~~
150 ~~Appropriations Act. This subparagraph does not apply to~~
151 ~~substitute teachers.~~

152 ~~b. Other full-time instructional personnel as defined in s.~~
153 ~~1012.01(2)(b)-(d).~~

154 ~~3. A school district or charter school may use funds~~
155 ~~available after the requirements of subparagraph 1. are met to~~
156 ~~provide salary increases pursuant to subparagraph 2.~~

157 ~~4. A school district or charter school shall maintain the~~
158 ~~minimum base salary achieved for instructional personnel~~
159 ~~classroom teachers provided under subparagraph 1. and may not~~
160 ~~reduce the salary increases provided under subparagraph 2. in~~
161 ~~any subsequent fiscal year, unless specifically authorized in~~
162 ~~the General Appropriations Act.~~

163 (c) Before distributing allocation funds received pursuant
164 to paragraph (a), each school district and each charter school
165 shall develop a salary distribution plan that clearly delineates
166 the planned distribution of funds pursuant to paragraph (b) in
167 accordance with modified salary schedules, as necessary, for the
168 implementation of this subsection.

169 1. Each school district superintendent and each charter
170 school administrator must submit its proposed salary
171 distribution plan to the district school board or the charter
172 school governing body, as appropriate, for approval.

173 2. Each school district shall submit the approved district
174 salary distribution plan, along with the approved salary

35-01556-21

20211610__

175 distribution plan for each charter school in the district, to
176 the department by October 1 of each fiscal year.

177 (d) In a format specified by the department, provide as
178 follows:

179 1. By December 1, each school district shall provide a
180 preliminary report to the department that includes a detailed
181 summary explaining the school district's planned expenditure of
182 the entire allocation for the district received pursuant to
183 paragraph (a), the amount of the increase to the minimum base
184 salary for instructional personnel ~~classroom teachers~~ pursuant
185 to paragraph (b), and the school district's salary schedule for
186 the prior fiscal year and the fiscal year in which the base
187 salary is increased. Each charter school governing board shall
188 submit the information required under this subparagraph to the
189 district school board for inclusion in the school district's
190 preliminary report to the department.

191 2. By February 1, the department shall submit to the
192 Governor, the President of the Senate, and the Speaker of the
193 House of Representatives a statewide report on the planned
194 expenditure of the instructional personnel ~~teacher~~ salary
195 increase allocation, which includes the detailed summary
196 provided by each school district and charter school.

197 3. By August 1, each school district shall provide a final
198 report to the department with the information required in
199 subparagraph 1. for the prior fiscal year. Each charter school
200 governing board shall submit the information required under this
201 subparagraph to the district school board for inclusion in the
202 school district's final report to the department.

203 (e) Although district school boards and charter school

35-01556-21

20211610__

204 governing boards are not precluded from bargaining over wages,
205 the instructional personnel ~~teacher~~ salary increase allocation
206 must be used solely to comply with the requirements of this
207 section. A district school board or charter school governing
208 board that is unable to meet the reporting requirements
209 specified in paragraph (c) or paragraph (d) due to a collective
210 bargaining impasse must provide written notification to the
211 department or the district school board, as applicable,
212 detailing the reasons for the impasse with a proposed timeline
213 and details for a resolution.

214 (f) Notwithstanding any other provision of law, funds
215 allocated under this subsection shall not be included in the
216 calculated amount for any scholarship awarded under chapter
217 1002.

218 Section 2. Subsection (2) of section 1012.01, Florida
219 Statutes, is amended to read:

220 1012.01 Definitions.—As used in this chapter, the following
221 terms have the following meanings:

222 (2) INSTRUCTIONAL PERSONNEL.—“Instructional personnel”
223 means any prekindergarten or K-12 staff member whose function
224 includes the provision of direct instructional services to
225 students. Instructional personnel also includes prekindergarten
226 or K-12 personnel whose functions provide direct support in the
227 learning process of students. Included in the classification of
228 instructional personnel are the following prekindergarten or K-
229 12 personnel:

230 (a) *Classroom teachers*.—Classroom teachers are staff
231 members assigned the professional activity of instructing
232 students in courses in classroom situations, including basic

35-01556-21

20211610__

233 instruction, exceptional student education, career education,
234 ~~and~~ adult education, and certified prekindergarten, including
235 substitute teachers.

236 (b) *Student personnel services.*—Student personnel services
237 include staff members responsible for: advising students with
238 regard to their abilities and aptitudes, educational and
239 occupational opportunities, and personal and social adjustments;
240 providing placement services; performing educational
241 evaluations; and similar functions. Included in this
242 classification are certified school counselors, social workers,
243 career specialists, and school psychologists.

244 (c) *Librarians/media specialists.*—Librarians/media
245 specialists are staff members responsible for providing school
246 library media services. These employees are responsible for
247 evaluating, selecting, organizing, and managing media and
248 technology resources, equipment, and related systems;
249 facilitating access to information resources beyond the school;
250 working with teachers to make resources available in the
251 instructional programs; assisting teachers and students in media
252 productions; and instructing students in the location and use of
253 information resources.

254 (d) *Other instructional staff.*—Other instructional staff
255 are staff members who are part of the instructional staff but
256 are not classified in one of the categories specified in
257 paragraphs (a)-(c). Included in this classification are primary
258 specialists, learning resource specialists, instructional
259 trainers, adjunct educators certified pursuant to s. 1012.57,
260 and similar positions.

261 (e) *Education paraprofessionals.*—Education

35-01556-21

20211610__

262 paraprofessionals are individuals who are under the direct
263 supervision of an instructional staff member, aiding the
264 instructional process. Included in this classification are
265 classroom paraprofessionals in regular instruction, exceptional
266 education paraprofessionals, career education paraprofessionals,
267 adult education paraprofessionals, library paraprofessionals,
268 physical education and playground paraprofessionals, and other
269 school-level paraprofessionals.

270 Section 3. Paragraph (c) of subsection (1) of section
271 1012.22, Florida Statutes, is amended to read:

272 1012.22 Public school personnel; powers and duties of the
273 district school board.—The district school board shall:

274 (1) Designate positions to be filled, prescribe
275 qualifications for those positions, and provide for the
276 appointment, compensation, promotion, suspension, and dismissal
277 of employees as follows, subject to the requirements of this
278 chapter:

279 (c) *Compensation and salary schedules.*—

280 1. Definitions.—As used in this paragraph:

281 a. "Adjustment" means an addition to the base salary
282 schedule that is not a bonus and becomes part of the employee's
283 permanent base salary and shall be considered compensation under
284 s. 121.021(22).

285 b. ~~"Grandfathered salary schedule" means the salary~~
286 ~~schedule or schedules adopted by a district school board before~~
287 ~~July 1, 2014, pursuant to subparagraph 4.~~

288 e. "Instructional personnel" means instructional personnel
289 as defined in s. 1012.01(2)(a)-(d), excluding substitute
290 teachers.

35-01556-21

20211610__

291 ~~d. "Performance salary schedule" means the salary schedule~~
292 ~~or schedules adopted by a district school board pursuant to~~
293 ~~subparagraph 5.~~

294 c.e. "Salary schedule" means the schedule or schedules used
295 to provide the base salary for district school board personnel.

296 d.f. "School administrator" means a school administrator as
297 defined in s. 1012.01(3)(c).

298 e.g. "Supplement" means an annual addition to the base
299 salary for the term of the negotiated supplement as long as the
300 employee continues his or her employment for the purpose of the
301 supplement. A supplement does not become part of the employee's
302 continuing base salary but shall be considered compensation
303 under s. 121.021(22).

304 2. Cost-of-living adjustment.—A district school board may
305 provide a cost-of-living salary adjustment if the adjustment:

306 ~~a.~~ does not discriminate among comparable classes of
307 employees based upon the salary schedule under which they are
308 compensated.

309 ~~b. Does not exceed 50 percent of the annual adjustment~~
310 ~~provided to instructional personnel rated as effective.~~

311 3. Advanced degrees.—A district school board may not use
312 advanced degrees in setting a salary schedule for instructional
313 personnel or school administrators ~~hired on or after July 1,~~
314 ~~2011, unless the advanced degree is held in the individual's~~
315 ~~area of certification and is only a salary supplement.~~

316 4. Grandfathered Salary schedule.—

317 a. The district school board shall adopt a salary schedule
318 or salary schedules to be used as the basis for paying all
319 school employees ~~hired before July 1, 2014. Instructional~~

35-01556-21

20211610__

320 ~~personnel on annual contract as of July 1, 2014, shall be placed~~
321 ~~on the performance salary schedule adopted under subparagraph 5.~~
322 ~~Instructional personnel on continuing contract or professional~~
323 ~~service contract may opt into the performance salary schedule if~~
324 ~~the employee relinquishes such contract and agrees to be~~
325 ~~employed on an annual contract under s. 1012.335. Such an~~
326 ~~employee shall be placed on the performance salary schedule and~~
327 ~~may not return to continuing contract or professional service~~
328 ~~contract status. Any employee who opts into the performance~~
329 ~~salary schedule may not return to the grandfathered salary~~
330 ~~schedule.~~

331 b. In determining the ~~grandfathered~~ salary schedule for
332 instructional personnel, a district school board may ~~must~~ base a
333 portion of each employee's compensation upon performance
334 demonstrated under s. 1012.34 and shall provide differentiated
335 pay for both instructional personnel and school administrators
336 based upon district-determined factors, including, but not
337 limited to, additional responsibilities, school demographics,
338 critical shortage areas, and level of job performance
339 difficulties.

340 5. ~~Performance salary schedule. By July 1, 2014, the~~
341 ~~district school board shall adopt a performance salary schedule~~
342 ~~that provides annual salary adjustments for instructional~~
343 ~~personnel and school administrators based upon performance~~
344 ~~determined under s. 1012.34. Employees hired on or after July 1,~~
345 ~~2014, or employees who choose to move from the grandfathered~~
346 ~~salary schedule to the performance salary schedule shall be~~
347 ~~compensated pursuant to the performance salary schedule once~~
348 ~~they have received the appropriate performance evaluation for~~

35-01556-21

20211610__

349 ~~this purpose.~~

350 ~~a. Base salary. The base salary shall be established as~~
351 ~~follows:~~

352 ~~(I) The base salary for instructional personnel or school~~
353 ~~administrators who opt into the performance salary schedule~~
354 ~~shall be the salary paid in the prior year, including~~
355 ~~adjustments only.~~

356 ~~(II) Beginning July 1, 2014, instructional personnel or~~
357 ~~school administrators new to the district, returning to the~~
358 ~~district after a break in service without an authorized leave of~~
359 ~~absence, or appointed for the first time to a position in the~~
360 ~~district in the capacity of instructional personnel or school~~
361 ~~administrator shall be placed on the performance salary~~
362 ~~schedule.~~

363 ~~b. Salary adjustments. A district school board may provide~~
364 ~~salary adjustments for highly effective or effective performance~~
365 ~~shall be established as follows:~~

366 ~~(I) The annual salary adjustment under the performance~~
367 ~~salary schedule for an employee rated as highly effective must~~
368 ~~be greater than the highest annual salary adjustment available~~
369 ~~to an employee of the same classification through any other~~
370 ~~salary schedule adopted by the district.~~

371 ~~(II) The annual salary adjustment under the performance~~
372 ~~salary schedule for an employee rated as effective must be equal~~
373 ~~to at least 50 percent and no more than 75 percent of the annual~~
374 ~~adjustment provided for a highly effective employee of the same~~
375 ~~classification.~~

376 ~~(III) The performance salary schedule shall not provide an~~
377 ~~annual salary adjustment for an employee who receives a rating~~

35-01556-21

20211610__

378 ~~other than highly effective or effective for the year.~~

379 6.e. Salary supplements.—In addition to the salary
380 adjustments, each district school board shall provide for salary
381 supplements for activities that must include, but are not
382 limited to:

383 a.(I) Assignment to a Title I eligible school.

384 b.(II) Assignment to a school that earned a grade of "F" or
385 three consecutive grades of "D" pursuant to s. 1008.34 such that
386 the supplement remains in force for at least 1 year following
387 improved performance in that school.

388 c.(III) Certification and teaching in critical teacher
389 shortage areas. Statewide critical teacher shortage areas shall
390 be identified by the State Board of Education under s. 1012.07.
391 However, the district school board may identify other areas of
392 critical shortage within the school district for purposes of
393 this sub-subparagraph ~~sub-sub-subparagraph~~ and may remove areas
394 identified by the state board which do not apply within the
395 school district.

396 d.(IV) Assignment of additional academic responsibilities.

397
398 ~~If budget constraints in any given year limit a district school
399 board's ability to fully fund all adopted salary schedules, the
400 performance salary schedule shall not be reduced on the basis of
401 total cost or the value of individual awards in a manner that is
402 proportionally greater than reductions to any other salary
403 schedules adopted by the district.~~

404 Section 4. Paragraph (d) of subsection (5) of section
405 24.121, Florida Statutes, is amended to read:

406 24.121 Allocation of revenues and expenditure of funds for

35-01556-21

20211610__

407 public education.—

408 (5)

409 (d) No funds shall be released for any purpose from the
410 Educational Enhancement Trust Fund to any school district in
411 which one or more schools do not have an approved school
412 improvement plan pursuant to s. 1001.42(18) or do not comply
413 with school advisory council membership composition requirements
414 pursuant to s. 1001.452(1). ~~The Commissioner of Education shall~~
415 ~~withhold disbursements from the trust fund to any school~~
416 ~~district that fails to adopt the performance-based salary~~
417 ~~schedule required by s. 1012.22(1).~~

418 Section 5. Subsection (4) of section 1006.09, Florida
419 Statutes, is amended to read:

420 1006.09 Duties of school principal relating to student
421 discipline and school safety.—

422 (4) When a student has been the victim of a violent crime
423 perpetrated by another student who attends the same school, the
424 school principal shall make full and effective use of the
425 provisions of subsection (2) and s. 1006.13(6). A school
426 principal who fails to comply with this subsection shall be
427 ineligible for ~~any portion of the performance pay or the~~
428 ~~differentiated pay~~ under s. 1012.22. However, if any party
429 responsible for notification fails to properly notify the
430 school, the school principal shall be eligible for the
431 ~~performance pay or differentiated pay.~~

432 Section 6. Subsection (7) of section 1012.28, Florida
433 Statutes, is amended to read:

434 1012.28 Public school personnel; duties of school
435 principals.—

35-01556-21

20211610__

436 (7) A school principal who fails to comply with this
437 section shall be ineligible for any portion of the ~~performance~~
438 ~~pay~~ and differentiated pay under s. 1012.22.

439 Section 7. This act shall take effect July 1, 2021.