

Senate Bill No. 6-E

An act relating to the Excellent Teaching Program; creating ss. 1012.72, 1010.72, F.S.; redesignating a program and trust fund as the “Dale Hickam Excellent Teaching Program” and the “Dale Hickam Excellent Teaching Program Trust Fund”; repealing ss. 236.08106, 236.08107, F.S., relating to the Excellent Teaching Program and the Excellent Teaching Program Trust Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

WHEREAS, Dale Hickam served the Florida Senate with integrity and distinction for 22 years as a staff member of its education appropriations committee, and

WHEREAS, Dale Hickam supported the Legislature’s initiative and the decisionmaking process through a unique combination of skills, including meticulous attention to detail, great personal warmth, and a vigorous approach to difficult funding issues, and

WHEREAS, Dale Hickam was a skilled and beloved teacher who traveled all over the United States to lead seminars on personal growth and relationship building, and

WHEREAS, hundreds of Florida teachers and millions of Florida students received the benefit of Dale Hickam’s care and expertise without knowing his name, and

WHEREAS, the 1998 Legislature relied upon Dale Hickam’s research and ingenuity to create a program that has gained national prominence for its improvements in the quality and rewards associated with teaching in Florida’s public schools, and

WHEREAS, it is fitting that the Legislature commemorate the life and work of our friend and colleague, Dale Hickam, NOW, THEREFORE,

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

Section 1. Section 1012.72, Florida Statutes, is created 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 of Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary system for assessing and certifying teachers who demonstrate teaching excellence by meeting those standards. It is therefore

the Legislature's intent to provide incentives for teachers to seek NBPTS certification and to reward teachers who demonstrate teaching excellence by attaining NBPTS certification and sharing their expertise with other teachers.

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

(a) A fee subsidy to be paid by the Department of Education to the NBPTS on behalf of each individual who is an employee of a district school board or a public school within the school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34 and who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program. The fee subsidy is a one-time award and may not be duplicated for any individual.

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

(c) An annual bonus equal to 10 percent of the prior fiscal year's state-wide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within the school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's state-wide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the state who do not hold NBPTS certification. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of

the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during student contact time during the 196 days of required service for the school year.

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

(3)(a) In addition to any other remedy available under the law, any person who is a recipient of a certification fee subsidy paid to the NBPTS and who is an employee of the state or any of its political subdivisions is considered to have consented, as a condition of employment, to the voluntary or involuntary withholding of wages to repay to the state the amount of such a certification fee subsidy awarded under this section. Any such employee who defaults on the repayment of such a certification fee subsidy must, within 60 days after service of a notice of default by the Department of Education to the employee, establish a repayment schedule which must be agreed to by the department and the employee, for repaying the defaulted sum through payroll deductions. The department may not require the employee to pay more than 10 percent of the employee's pay per pay period under such a repayment schedule or plan. If the employee fails to establish a repayment schedule within the specified period of time or fails to meet the terms and conditions of the agreed upon or approved repayment schedule as authorized by this subsection, the employee has breached an essential condition of employment and is considered to have consented to the involuntary withholding of wages or salary for the repayment of the certification fee subsidy.

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

(4) The State Board of Education may adopt rules as necessary to administer the provisions for payment of the fee subsidies, incentives, and bonuses and for the repayment of defaulted certification fee subsidies under this section.

Section 2. Section 1010.72, Florida Statutes, is created to read:

1010.72 Dale Hickam Excellent Teaching Program Trust Fund.—The Dale Hickam Excellent Teaching Program Trust Fund is created to be administered by the Department of Education. Funds must be credited to the trust fund as provided in chapter 98-309, Laws of Florida, to be used for the purposes set forth therein.

Section 3. Section 236.08106, Florida Statutes, as amended by section 15 of chapter 2001-47, Laws of Florida, and section 236.08107, Florida Statutes, are repealed.

Section 4. If any law that is amended by this act was also amended by a law enacted at the 2002 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect should be given to each if that is possible.

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 12, 2002.

Filed in Office Secretary of State June 12, 2002.