

Committee Substitute for House Bill No. 703

An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; requiring certain input; creating s. 231.2905, F.S.; creating the Florida School Recognition Program to provide financial awards to selected faculty and staff of identified schools; providing criteria for selection; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

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

Section 1. Paragraphs (c) and (g) of subsection (5) of section 230.23, Florida Statutes, 1996 Supplement, are amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(c) Compensation and salary schedules.—Adopt a salary schedule or salary schedules to be used as a basis for paying all school employees, such schedules to be arranged, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service and fix and authorize the compensation of school employees on the basis of such schedules. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 231.29 and must shall consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States. In developing the salary schedule, the school board shall seek input from parents, teachers, and representatives of the business community.

(g) Awards and incentives.—Provide for recognition of district employees, students, school volunteers, or advisory committee members who have contributed outstanding and meritorious service in their fields or service areas. After considering recommendations of the superintendent, the board shall adopt rules establishing and regulating the meritorious service awards necessary for the efficient operation of the program. An award or incentive granted under this paragraph may not be considered in determining the

salary schedules required by paragraph (c). Monetary awards shall be limited to persons who propose procedures or ideas which are adopted by the board and which will result in eliminating or reducing school board expenditures or improving district or school center operations. Nonmonetary awards shall include, but need not be limited to, certificates, plaques, medals, ribbons, and photographs. The school board is authorized to expend funds for such recognition and awards. No award granted under the provisions of this paragraph shall exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.

Section 2. Paragraph (b) of subsection (7) of section 230.33, Florida Statutes, 1996 Supplement, is amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he or she shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(7) PERSONNEL.—Be responsible, as required herein, for directing the work of the personnel, subject to the requirements of chapter 231, and in addition the superintendent shall have the following duties:

(b) Compensation and salary schedules.—Prepare and recommend to the school board for adoption a salary schedule or salary schedules to be used as the basis for paying school employees, arranging such schedules, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service. The superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 231.29. In developing the recommended salary schedule, the superintendent shall include input from parents, teachers, and representatives of the business community.

Section 3. Section 231.2905, Florida Statutes, is created to read:

231.2905 Florida School Recognition Program.—

(1) The Legislature finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The Legislature further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(2) The Florida School Recognition Program is created to provide financial awards to faculty and staff of schools that sustain high performance or that demonstrate exemplary improvement due to innovation and effort. The

Commissioner of Education shall establish statewide objective criteria for schools to be invited to apply for the Florida School Recognition Program. The selection of schools must be based on at least 2 school years of data, when available. To participate in the program, a school district must have incorporated a performance incentive program into its employee salary structure. All public schools, including charter schools, are eligible to participate in the program.

(a) Initial criteria for identification of schools must rely on the school's data and statewide data and must include, but not be limited to:

1. Improvement in the school's student achievement data.
2. Statewide student achievement data.
3. Readiness for postsecondary education data.
4. Dropout rates.
5. Attendance rates.

(b) After a pool of eligible schools has been identified, schools must apply for final recognition and financial awards based on established criteria. Criteria must include, but not be limited to:

1. School climate, including rates of school violence and crime.
2. Indicators of innovation in teaching and learning.
3. Indicators of successful challenging school improvement plans.
4. Parent, community, and student involvement in learning.

(c) After identification of schools for final recognition and financial awards, awards must be distributed based on employee performance criteria established in district school board policy.

(3) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used as determined by the school's staff and school advisory council for bonuses to the faculty and staff or for educational equipment or materials for the school. Notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

Section 4. Subsection (4) of section 236.02, Florida Statutes, is amended to read:

236.02 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(4) SALARY SCHEDULES.—Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with the provisions of law and regulations of the state board. Expenditures for salaries of instructional personnel must include compensation based on employee performance demonstrated under s. 231.29.

Section 5. This act shall take effect July 1, 1998.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.