

## ATTACHMENT A – STATUTORY AUTHORITY

***THESE ARE NOT EXHAUSTIVE COMPILATIONS. DISTRICTS ARE ENCOURAGED TO REVIEW THE STATUTES IN THEIR ENTIRETY.***

◆ **Specific Appropriation 64A Aid To Local Governments  
Better Educated Students and Teachers (BEST)  
From Principal State School Trust Fund in the amount of \$25,000,000**

Funds in Specific Appropriation 64A shall be used by the Commissioner of Education to identify and fund early innovator school districts that will establish best practices developmental models for implementation of the Florida BEST Teaching Program in accordance with the provisions of s. 1012.231, Florida Statutes, including principal leadership designation pursuant to section 1012.987, Florida Statutes, as described in SB 30A or similar legislation. Approval of proposed best practices developmental models for funding shall be determined by the Commissioner of Education and shall only be awarded to those school district models that fully and most feasibly implement the spirit and intent of the Florida BEST Teaching Program.

To be eligible to participate in the best practices developmental models for the Florida BEST Teaching Program, a school board must adopt in an open meeting new, permanently established positions of increasing responsibility for teachers at each of the four salary career ladder positions as defined in s. 1012.231(1), Florida Statutes. The school board shall agree to reach consensus with the Commissioner of Education over a BEST developmental model by December 31, 2003, and begin trial implementation in all of the district's schools beginning January 2004. The bargaining agent representative must submit to the school board for verification an agreement to each of the established career ladder positions, with salary levels to follow.

Selected early innovator school boards shall also adopt in an open meeting a plan for principal leadership designation based on student performance, school grade, and teacher retention, as described in s. 1012.987, Florida Statutes, and shall agree to reach consensus with the Commissioner of Education over such plan by December 31, 2003, and begin district-wide trial implementation beginning January 2004. Any remaining funds not distributed to participating school districts by March 1, 2004, shall revert.

◆ **Section 1000.041, Florida Statutes, is created to read:**

**1000.041 Better Educated Students and Teachers (BEST) Florida Teaching; legislative purposes; guiding principles.**

--The legislative purposes and guiding principles of BEST Florida Teaching are:

- (1) Teachers lead, students learn.
- (2) Teachers maintain orderly, disciplined classrooms conducive to student learning.
- (3) Teachers are trained, recruited, well compensated, and retained for quality.
- (4) Teachers are well rewarded for their students' high performance.
- (5) Teachers are most effective when served by exemplary school administrators.

Each teacher preparation program, each postsecondary educational institution providing dual enrollment or other acceleration programs, each district school board, and each district and school-based administrator fully supports and cooperates in the accomplishment of these purposes and guiding principles.

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### ◆ Section 1012.01(2)(a), Florida Statutes, Definitions--

(2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel" means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(a) *Classroom teachers*.--Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career and technical education, and adult education, including substitute teachers.

### ◆ Section 1012.231, Florida Statutes, is created to read:

#### **1012.231 BEST Florida Teaching salary career ladder program; assignment of teachers.**

(1) SALARY CAREER LADDER FOR CLASSROOM TEACHERS.--Beginning with the 2004-2005 academic year, each district school board shall implement a salary career ladder for classroom teachers as defined in s. 1012.01(2)(a). Performance shall be defined as designated in s. 1012.34(3)(a)1.-7. District school boards shall designate categories of classroom teachers reflecting these salary career ladder levels as follows:

(a) Associate teacher.--Classroom teachers in the school district who have not yet received a professional certificate or those with a professional certificate who are evaluated as low-performing teachers.

(b) Professional teacher.--Classroom teachers, in the school district who have received a professional certificate.

(c) Lead teacher.--Classroom teachers in the school district who are responsible for leading others in the school as department chair, lead teacher, grade-level leader, intern coordinator, or professional development coordinator. Lead teachers must participate on a regular basis in the direct instruction of students and serve as faculty for professional development activities as determined by the State Board of Education. To be eligible for designation as a lead teacher, a teacher must demonstrate outstanding performance pursuant to s. 1012.34(3)(a)1.-and must have been a "professional teacher" pursuant to paragraph (b) for at least 1 year.

(d) Mentor teacher.--Classroom teachers in the school district who serve as regular mentors to other teachers who are either not performing satisfactorily or who strive to become more proficient. Mentor teachers must serve as faculty-based professional development coordinators and regularly demonstrate and share their expertise with other teachers in order to remain mentor teachers. Mentor teachers must also participate on a regular basis in the direct instruction of low-performing students. To be eligible for designation as a mentor teacher, a teacher must demonstrate outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and must have been a "lead teacher" pursuant to paragraph (c) for at least two years.

Promotion of a teacher to a higher level on the salary career ladder shall be based upon prescribed performance criteria and not based upon length of service.

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## Section 1012.231, Continued

(2) TEACHER ASSIGNMENT.--School districts may not assign a higher percentage than the school district average of first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools with above the school district average of minority and economically disadvantaged students or schools that are graded "D" or "F." District school boards are authorized to provide salary incentives to meet this requirement. No district school board shall sign a collective bargaining agreement that fails to provide sufficient incentives to meet this requirement.

(3) STATE BOARD AND SCHOOL DISTRICT PLANS.--The State Board of Education shall develop a long-range plan to implement a differentiated pay model for teachers beginning in the 2004-2005 academic year, based upon the differentiated classroom teacher categories in subsection (1). No later than December 1, 2003, the State Board of Education shall approve guidelines and criteria for the district plans. District school boards shall develop plans to implement the salary career ladder prescribed in this section and submit these plans to the State Board of Education by March 1, 2004.

◆ **Subsection (2) of Section 1012.27, Florida Statutes, is amended to read:**

**1012.27, F.S. Public School Personnel; powers and duties of district school superintendent --**

(2) COMPENSATION AND SALARY SCHEDULES.--Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The district school superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 1012.34. In developing the recommended salary schedule, the district school superintendent shall include input from parents, teachers, and representatives of the business community. *Beginning with the 2004-2005 academic year, the recommended salary schedule for classroom teachers shall be consistent with the district's career ladder based upon s. 1012.231.\**

◆ **Subsection (1)(c) of Section 1012.22, Florida Statutes, is amended to read:**

**1012.22, F.S. Public school personnel; powers and duties of the district school board.—**

The district school board shall:

(1) 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 this chapter:

(c) Compensation and salary schedules.--

1. The district school board shall adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof.

2. 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. 1012.34, must

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## Section 1012.22, continued

consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

3. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community.
4. Beginning with the 2002-2003 fiscal year, each district school board must adopt a performance-pay policy for school administrators and instructional personnel. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s.1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance-pay reserve funds adopted in the salary schedule. ***Beginning with the 2004-2005 academic year, the district's 5-percent performance-pay policy must provide for the evaluation of classroom teachers within each level of the salary career ladder provided in s. 1012.231.***\* The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply with this section, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.

## ◆ Section 1012.34(3)(a) 1-7, Florida Statutes, Assessment Procedures and Criteria--

(3) The assessment procedure for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures must comply with, but are not limited to, the following requirements:

(a) An assessment must be conducted for each employee at least once a year. The assessment must be based upon sound educational principles and contemporary research in effective educational practices. The assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 1008.22 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 1008.22 and by local assessments for subjects and grade levels not measured by the state assessment program. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Performance of students.
2. Ability to maintain appropriate discipline.
3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.
4. Ability to plan and deliver instruction, including the use of technology in the classroom.
5. Ability to evaluate instructional needs.

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## **Section 1012.34, F.S., continued**

6. Ability to establish and maintain a positive collaborative relationship with students' families to increase student achievement.

7. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

## ◆ **Section 1012.987, Florida Statutes, is created in Part V of Section 1012.98, Florida Statutes, to read:**

**1012.987, F.S. Education leadership development.**--The State Board of Education shall adopt rules through which school principals may earn a principal leadership designation based on teacher retention, overall student performance, and school grade.

## ◆ **Subsection (4)(b), 5 a-c of Section 1012.98, F.S. School Community Professional Development Act.--**

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school. The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.