

Performance Pay Briefing

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1. Excerpts from Florida Statutes Relating to Performance Pay for Teachers

1012.22 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 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.

1012.34 Assessment procedures and criteria.--

(1) For the purpose of improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. The Department of Education must approve each district's instructional personnel assessment system.

(2) The following conditions must be considered in the design of the district's instructional personnel assessment system:

(a) The system must be designed to support district and school level improvement plans.

(b) The system must provide appropriate instruments, procedures, and criteria for continuous quality improvement of the professional skills of instructional personnel.

(c) The system must include a mechanism to give parents an opportunity to provide input into employee performance assessments when appropriate.

(d) In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special procedures and criteria will be developed.

(e) Each district school board may establish a peer assistance process. The plan may provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.

(f) The district school board shall provide training programs that are based upon guidelines provided by the Department of Education to ensure that all individuals with evaluation responsibilities understand the proper use of the assessment criteria and procedures.

(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. Pursuant to this section, a school district's performance assessment is not limited to basing unsatisfactory performance of instructional personnel and school administrators upon student performance, but may include other criteria approved to assess instructional personnel and school administrators' performance, or any combination of student performance and other approved criteria. 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 implementation of the rigorous reading requirement pursuant to s. [1003.415](#), when applicable, and the use of technology in the classroom.
5. Ability to evaluate instructional needs.
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. ...

(7) The district school board shall establish a procedure annually reviewing instructional personnel assessment systems to determine compliance with this section. All substantial revisions to an approved system must be reviewed and approved by the district school board before being used to assess instructional personnel. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an assessment system.

(8) The State Board of Education shall adopt rules pursuant to ss. [120.536](#)(1) and [120.54](#), that establish uniform guidelines for the submission, review, and approval of district procedures for the annual assessment of instructional personnel and that include criteria for evaluating professional performance.

2. Chapter 6B-4.010 (entire section)

6B-4.010 Instructional Personnel Assessment Systems

(1) Submission Process.

(a) Each school district shall submit the instructional personnel assessment system to the Division of Professional Educators of the Department for approval pursuant to Section 231.29, Florida Statutes.

(b) Each submission shall include documentation to substantiate that the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, have been met.

(c) The assessment system shall be reviewed by the Department for inclusion of the following:

1. Assessment criteria that include, at a minimum, indicators that relate to the areas of competence specified in Section 231.29(3)(a), Florida Statutes.
2. A statement of district procedures reflecting methods and criteria used to designate, document, and differentiate unsatisfactory, satisfactory, and outstanding performance levels.
3. Copies of assessment data collection procedures, instruments, and forms.
4. A statement of the use of assessment data for instructional personnel contract decisions.

(2) Initial Review Process. The Department of Education shall review and evaluate the performance assessment systems for compliance with the requirements and conditions of Section 231.29, Florida Statutes, and shall prepare and send to each school district a written notice that identifies any specific deficiencies of the system. Upon request from a school district, the Department shall provide assistance to the district for the purpose of bringing the system into compliance as quickly as possible.

(3) Approval Process. The Department of Education shall send written notification to the school district superintendent of the status of the school district's instructional personnel assessment system. The status designation shall be as follows:

(a) Approved. An instructional personnel assessment system shall be designated approved if all requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule are met.

(b) Conditionally Approved. An instructional personnel assessment system shall be designated conditionally approved if the school district's assessment system fails to satisfy one or more of the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule. The school district's system designated as conditionally approved shall be revised so that it is in full compliance with all requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule within the time period specified by the Department, and resubmitted to the Department for review and approval.

(c) Disapproved. A school district's system designated as conditionally approved shall be designated as disapproved if the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule are not met within the time period specified by the Department in the written notice granting the conditionally approved status of the system.

(4) Modifications to an Instructional Personnel Assessment System. If a school board makes substantive modifications to an approved school district instructional personnel assessment system, the modified system shall be submitted to the Department of Education for review and approval pursuant to this rule.

Specific Authority 229.053, 231.29, FS. Law Implemented 230.23(5)(c), 231.29 FS. History - New 6-19-2001.

3. Status and Recommendations for Next Steps

- Rule 6B-4.010 was adopted in its current form in June of 2001
- District plans were collected and reviewed
- Plans determined to have weaknesses were returned and collected again once revised by the district
- All districts currently have an approved plan

Issue: District plans for performance pay do not address that every teacher's compensation must be based in part on results of student achievement data; district plans address the 5% for outstanding performance only.

Recommendation: Revise rule 6B-4.010 to more clearly address statutory issues for performance appraisal systems and their relationship to the portion of every teacher's salary that must be based upon his/her performance.