



**Bill Number:** SB 1226

**Bill Title:** Merit Award Program for Instructional Personnel and School-Based Administrators

**Bill Sponsors:** Senator Gaetz, Education PreK-12 and Education PreK-12 Appropriations Committees

**Effective Date:** Upon becoming law

**DOE Contact:** Pamela Stewart, K-12 Deputy Chancellor, K-12 Educator Quality, (850) 245-0509

---

### **Executive Summary:**

The bill creates section 1012.225, Florida Statutes, titled Merit Award Program for Instructional Personnel and School-Based Administrators.

The bill provides that to be eligible for funding under this section, a district school board must adopt a Merit Award Program plan that provides for an assessment and a merit award based on the performance of students assigned to the employee's classroom or school. Charter schools may participate in the program by using the district's Merit Award Program plan or may adopt an alternative Merit Award Program plan under the terms provided in the bill. All instructional personnel, as defined in s. 1012.01(2)(a)-(d), and school-based administrators, as defined in s. 1012.01(3)(c), are eligible as individuals or as instructional teams to receive merit awards, with the exception of substitute teachers. The district school board may not require instructional personnel or school-based administrators to apply to be assessed for or receive a merit award. A plan is subject to negotiation as provided in chapter 447. The Department of Education may not distribute any funding to a district, or to a district for a charter school within the district, if the district or charter school chooses not to adopt a Merit Award Program plan. Undistributed funds will be considered unobligated and shall revert to the fund from which the appropriation was made.

Each Merit Award Program plan must designate the top instructional personnel and school-based administrators to be outstanding performers and pay to each such employee who remains employed by a Florida public school, by September 1 of the following school year, a merit-based pay supplement of at least 5 percent of the average teacher's salary for that school district not to exceed 10 percent of the average teacher's salary for that school district. The bill includes provisions for monies unspent by districts that receive funding.

The school district's assessment of an instructional personnel staff member for receipt of a Merit Award must consider the performance of students assigned to his or her classroom or, in the case of co-teaching or team teaching, within his or her academic sphere of responsibility. The assessment of a school-based administrator must consider the performance of students assigned to the school.

A district must weight at least 60% of the determination of the Merit Award on student performance, based upon student academic proficiency or gains in learning or both, as measured by statewide standardized tests, or, for subjects and grades that are not measured by the statewide assessment program, by national, state, or district-determined testing instruments that measure the Sunshine State Standards, curriculum frameworks, or course descriptions for the content area assigned and grade level taught. Measures adopted by the district school board to assess instructional personnel and school-based administrators must balance student performance based on academic proficiency and gains in learning so that top-performing eligible employees have an opportunity to receive an award.

# Florida Department of Education

Using assessment criteria adopted by the district school board, a professional practices component weighted up to 40% of the evaluation for the assessment of instructional personnel must be based on the principal's assessment of the instructional personnel. The assessment of school-based administrators must be based on the district superintendent's assessment of the administrator. Performance-related assessment criteria to be adopted by the district school board for personnel assessments by principals and superintendents are specified in the bill.

Each district school board shall inform its employees of the criteria and procedures associated with the school district's Merit Award Program plan. Upon request, the department shall provide technical assistance to school districts for the purpose of aiding the development of Merit Award Program plans. The advice and recommendations offered by the department under this paragraph are not subject to the requirements of chapter 120. The department shall collect and disseminate best practices for district-determined testing instruments and Merit Award Program plans.

Each participating district school board must submit its Merit Award Program plan to the Commissioner of Education for review by October 1 of each year. The plan must include the negotiated, district-adopted plan or charter school adopted plan if the district does not submit a plan intended for use in the following year. The commissioner shall complete a review of each plan submitted and determine compliance with the requirements of this section by November 15 of each year. If a submitted plan fails to meet the requirements of this section, the commissioner must identify in writing the specific revisions that are required. Revised plans must be finalized and resubmitted by a school district, or by a charter school if the district does not submit a plan, for the commissioner's review by January 31 of each year. The commissioner shall certify those school district or charter school plans that do not comply with this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 15 of each year. Any charter school that does not follow the school district's salary schedule may adopt its own performance-based plan in accordance with this section. Charter school proposals shall be included with the school district plans or may be submitted independently if the district does not submit a plan.

The bill requires each district school board to establish a procedure to annually review both the assessment and compensation components of its plan in order to determine compliance with this section. After this review and by October 1 of each year, the district school board shall submit a report to the Commissioner of Education, along with supporting documentation that will enable the commissioner to verify the district's compliance with this section during the prior school year. The commissioner shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives certifying those school district or charter school plans that do not comply with this section or whose plans were not implemented in accordance with this section by December 1 of each year. For purposes of the 2007-2008 school year, the plan submitted as required in paragraph (a) applies to the 2007-2008 school year as well as the 2008-2009 school year. Thereafter, all plans submitted and approved within the timelines set forth in paragraph (a) apply to the following school year. Any revision to an approved Merit Award Program plan must be approved by the district school board and reviewed by the commissioner to determine compliance with this section.

The State Board of Education shall adopt rules relating to the calculation of average teacher salaries per district, reporting formats, and the review of plan procedures and must initiate the rulemaking process within 30 days after the act becomes law.

Beginning with the 2007-2008 school year, school districts that participate in the Merit Award Program under s. 1012.225, Florida Statutes, must be able to administer end-of-course examinations based on the Sunshine State Standards in order to measure a student's understanding and mastery of the entire course in all grade groupings and subjects for any year in which the districts participate in the program. The statewide standardized assessment,

# Florida Department of Education

College Board Advanced Placement Examination, International Baccalaureate examination, Advanced International Certificate of Education examination, or examinations resulting in national industry certification recognized by the Agency for Workforce Innovation are acceptable for this purpose for the respective grade groupings and subjects assessed by these examinations and assessments.

The bill amends section 447.403 such that if the district school board is the public employer and an impasse is declared while negotiating a Merit Award Program involving a dispute of a Merit Award Program plan under s. 1012.225, the dispute is subject to an expedited impasse hearing. The bill provides further details of the resolution of such impasse proceedings.

The bill addresses the use of funding from the general revenue funds appropriated pursuant to Specific Appropriation 91 in section 2 of chapter 2006-25, Laws of Florida, such that the sum of \$147,500,000 is rescinded providing that \$130,517,222 reverts unallocated to the General Revenue Fund and \$16,982,778 reverts unallocated to the Principal State School Trust Fund on the effective date of this section; and repeals the proviso language following Specific Appropriation 91 in section 2 of chapter 2006-25, Laws of Florida (the STAR Performance Pay Program).

The bill provides for funding of the Merit Award Program and for the use of the funds previously allocated for STAR in 2006-07 proviso language in the following manner. The recurring sum of \$130,517,222 from the General Revenue Fund and the nonrecurring sum of \$16,982,778 from the Principal State School Trust Fund is appropriated to the Department of Education for the 2006-2007 fiscal year as a supplemental appropriation for Aid to Local Governments, Grants and Aids -- Florida Education Finance Program. These funds are to be allocated among school districts based on each district's proportion of the state total K-12 base funding and must be expended for any of the following purposes:

- (a) To fund Special Teachers Are Rewarded (STAR) performance pay plans that are implemented based on proviso language following Specific Appropriation 91 in section 2 of chapter 2006-25, Laws of Florida, in effect as of July 1, 2006. A district that has been requested by the State Board of Education to submit a revised STAR plan must submit its revised plan by May 1, 2007. The state board shall review the revised plan and may either approve the revised plan or deny the district eligibility to receive STAR plan funds for the 2006-2007 fiscal year;
- (b) To fund performance pay policies adopted pursuant to s. 1012.22, Florida Statutes, if a district school board amends its policy to conform to s. 1012.225(1), (2), and (3), Florida Statutes, prior to the disbursement of funds. However, a school district that does not amend its plan as described in this paragraph may disburse funds only in an amount equal to the amount of funds the district disbursed under its policy for the 2005-2006 school year; or
- (c) To fund performance pay policies approved by the district school board which meet the requirements of s. 1012.225(1), (2), and (3), Florida Statutes.

The bill repeals s. 1012.22(1)(c)4., Florida Statutes, effective June 30, 2007, and suspends rules adopted by the State Board of Education pursuant to s. 1012.22, Florida Statutes, which are in conflict with the act.



### General Implementation Timeline:

1. General guidelines for implementing performance pay under the bill were provided to superintendents within two weeks of the bill's signing into law by the Governor.
2. Rule workshops sponsored by the State Board of Education will be announced before the end of April 2007 and completed before the end of May 2007.
3. Districts completing STAR plans must meet new timelines provided for in the bill, assistance with which is included in the technical assistance guidelines provided to superintendents.
4. Allocations of funding under this bill will be sent to districts through standard allocation processes before June 30, 2007. Districts must remit unused funds from this appropriation no later than September 1, 2007.