

Synopsis of Senate Bill 6

Senate Bill 6 proposes several statutory changes affecting public school personnel. Prime sponsor of the bill is Sen. John Thrasher. Co-sponsors include Senators Don Gaetz, Nancy Detert, Steve Wise, Lee Constantine, Garrett Richter, Durell Peaden and Rhonda Storms. All, with the exception of Sen. Peaden, are members of the Senate Pre-K – 12 Committee or the Senate Pre-K – 12 Appropriations Committee. House Bill 7037 by Rep. Marti Coley is listed as a similar measure; however, the two bills currently have very little in common.

Senate Bill 6 was heard by the Senate Pre-K – 12 Education Committee on March 10, 2010. The bill was amended and passed as a Committee Substitute by a 6 to 2 vote along party lines.

The focal point of the legislation is the creation of new systems for evaluating and compensating instructional personnel. Student learning gains as measured by results on end of course exams will be the basis of the evaluation, or appraisal system as it will be called. All things will flow from the learning gain results.

The following points highlight the major changes intended by the legislation. For those interested, the bill text is available at <http://www.flsenate.gov/data/session/2010/Senate/bills/billtext/pdf/s0006.pdf> Also, a Senate staff analysis is available at <http://www.flsenate.gov/data/session/2010/Senate/bills/analysis/pdf/2010s0006.ed.pdf>

Logistics

- As of July 1, 2010, new instructional and school based administrator hires fall under the new contract system
- As of the 2013-2014 school year districts should have implemented end of course assessments district-wide
- As of the 2014-15 school year the new appraisal systems should be fully implemented and operational
- As of the 2014-15 school year the penalty for districts not implementing all or part of the new appraisal and compensation system goes into effect

Personnel Contracts

- Instructional personnel and school-based administrators employed on or after July 1, 2010 will serve on an annual contract basis. There will be no professional service contract option for new hires.
- New instructional personnel employed by the district will serve a one year probationary period after which, with satisfactory performance and proper certification, they will be eligible for another four years on an annual contract basis. The sixth year of employment and each year thereafter will depend on effective job performance and recommendation of the superintendent.
- Instructional personnel already holding professional services contracts are not affected by the contract changes, but will be subject to the new appraisal system. A professional service contract is a property right of the holder and cannot be terminated by an act of the Legislature.

Appraisal

- The learning gains of students assigned to a school must comprise more than 50 percent the determination of the instructional personnel and school-based administrators' performance. Student learning gains are to be measured by state assessments, exams for AP, IB, AICE, national industry certification assessments or district assessments for subject areas and grade levels.
- There will be four appraisal categories applicable to probationary personnel and employees in the following four years of annual contracts, unsatisfactory, needs to improve, effective and highly effective. In year six of employment and thereafter, the only categories that apply are effective and highly effective.

Compensation

- The compensation system for instructional personnel may no longer be based on years on the job and degrees attained
- Compensation must be based on student learning gains, for the classroom for teachers, and for the school for other instructional personnel and school-based administrators
- Non-instructional personnel are to be paid on the basis of job performance

Penalties

- School districts that do not fully implement the new appraisal and compensation systems will be penalized by a reduction in FEFP

funding equal to 5 percent of the payroll of instructional personnel and school-based administrators.

- School boards experiencing a penalty will be required to levy additional ad valorem taxes in an amount equal to the amount of FEFP funds withheld.
- School boards must publish a TRIM notice for the required additional millage explaining that the board failed to implement all or part of the appraisal and compensation systems

Other

- The provisions of the legislation, with the exception of the additional taxing requirement, apply to charter schools
- The Dale Hickam Excellent Teaching Program is repealed. This does not preclude a teacher from pursuing Nation Board Certification on his or her own.
- Teacher tuition reimbursement plans and loan forgiveness programs are repealed
- Teacher preparation program approval will be based, in part, on the learning gains of students taught by program graduates

Retirement, Employee Health Insurance and Accrual of Leave Week Two

From an economic perspective three issues may be addressed to both limit long-term liabilities and improve cash requirements in the short-term: Florida Retirement System; Employee Health Insurance; and, Accrual of Annual and Sick Leave.

Remember present retirees and those vested in FRS will not be adversely affected by changes. Changes will affect those not vested or new hires at some future date; generally, date appears to be January 2011. The following is a list of possible ideas contained in bills or included in Tax Watch recommendations:

- Increase Contribution rate by only 1% with other changes
- Remove choice of defined benefit option-new hires and those not vested only. Low probability that this will occur this year.
- Retirement plan could become partially contributory.
- Vesting period could be increased from six to ten years.
- Several bills may decrease the maximum percentage of average compensation a retiree may receive; remember the formula is... number of years X percentage(1.6 to 3) X average final compensation... the maximum could be decrease to 70%, 80% or 90%.
- Increase years for eligibility for retirement from 30 to 33 and/or increased age of retirement if vested from 62 to 65.
- Reduce the percentage of accumulation to either 2% and/or 1.6%
- Temporary and short term employees may become eligible for 401KA plans (saves contribution to SS)
- Health insurance may become more contributory or become pooled.
- Accrual of annual and sick leave may be limited.

Generally, bills affecting the intrinsic budget are not heard until the respective budgets are passed out of committee and any changes become in effect amendments to be adjusted later if passed. Ultimately, expect a layering of cost saving issues that may include some of these and perhaps other items. We may expect two bills as vehicles in the Senate and several more perhaps in the House. Again, vested rights can not be taken away and these issues will probably be heard after the budgets leave committees.