



# The Florida Senate

Issue Brief 2011-214

December 2010

---

Committee on Education Pre-K - 12

---

## PERFORMANCE PAY

### Statement of the Issue

School districts enter into negotiated bargaining agreements with labor organizations to establish terms and conditions of employment, including salary schedules. Additional compensation is offered by the local district in the form of bonuses or salary increases for a variety of items, such as specialized roles, extracurricular activities and specific certifications or academic degrees. Florida law requires particular factors to be considered in negotiating salary schedules for instructional personnel and school-based administrators. These factors include student performance, additional responsibilities, and teaching in critical shortage areas. This issue brief examines sources and amounts of compensation paid to instructional personnel and school-based administrators, and reviews these findings for compliance with Florida law.

### Discussion

#### *Definitions*

Instructional personnel is defined to include the following K-12 staff members:

- Classroom teachers – providing instruction in basic, exceptional student, career, and adult education, including substitute teachers;
- Student personnel services – including guidance counselors, social workers, career specialists, and school psychologists;
- Librarian/media specialists – instructing students in accessing and using information resources;
- Other instructional staff – including primary specialists, learning resource specialists, instructional trainers, and adjunct educators; and
- Education paraprofessionals – including classroom, exceptional education, career education, adult education, library, physical education, and playground paraprofessionals.<sup>1</sup>

The term “school administrator” is defined in law to refer to school principals, school directors, career center directors, and assistant principals.<sup>2</sup>

#### *Salary Schedules*

Florida law requires that certain items be included in salary schedules. Regarding salary schedules for instructional personnel, district school boards are explicitly required to base a portion of compensation on performance.<sup>3</sup> The district school board is also required to obtain input from parents, teachers and members of the business community in developing a salary schedule.<sup>4</sup> Regarding performance criteria, the evaluation must be primarily based on student performance. Section 1012.34(3)(a), F.S., requires an evaluation for each employee at least annually, primarily using data and indicators of improvement in student performance assessed annually

---

<sup>1</sup> s. 1012.01(2), F.S.

<sup>2</sup> s. 1012.01(3)(c), F.S.

<sup>3</sup> s. 1012.22(1)(c), F.S.

<sup>4</sup> s. 1012.22(1)(c)3., F.S.

pursuant to s. 1008.22, F.S. This includes state assessments and local assessments for subjects and grade levels not included in the state assessment program.<sup>5</sup>

Starting with the 2007-2008 school year, district school boards are required to involve differentiated pay in salary schedules for both instructional personnel and school-based administrators.<sup>6</sup> Differentiated pay includes consideration at the district level of additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulty.<sup>7</sup>

### *Methodology*

Staff consulted with representatives of various entities in designing the methodology for the project, including the Florida Department of Education, the Office of Economic and Demographic Research (Florida Legislature), and the Florida Association of District School Superintendents (FADSS). A letter was then sent to FADSS, to be distributed to each school district for participation. Thirty-seven school districts responded to the initial request letter. Staff then sent a follow-up letter to districts who failed to respond, which resulted in additional compliance by 26 school districts, although many exceeded the second deadline for submission. Follow-up letters were additionally sent to districts who had responded, although not completely. After repeated phone calls and emails, this outreach resulted in a final response rate of 94 percent, or 63 total districts responding.<sup>8</sup>

The letter requested documentation of the following:

- Salary schedules for instructional personnel and school-based administrators ranging from 1999 through 2011, including documentation of actual payments;
- Additional forms of compensation for instructional personnel and school-based administrators, including bonuses, salary increases, step increases, cost-of-living increases, supplements for extra work or specialized roles, pay for advanced degrees and additional certifications, merit pay and benefits;
- Evidence that the district has elicited input regarding salary schedules from parents, teachers, and community business representatives;
- The extent to which locally-developed or adopted assessments exist as instruments of student performance for subjects not tested through state assessments and their use in instructional personnel and school-based administrator evaluations; and
- The number and percent of employment terminations of instructional personnel and school-based administrators based on student performance by year.

Although some respondents did not comply in full, even after time for resubmission had passed, enough responses were received, sent by sufficient numbers of varying sizes of districts to enable staff to draw conclusions regarding the basis of pay for instructional personnel and school-based administrators in Florida public schools.

### *Findings*

#### **Salary Schedules**

In determining salary schedules for instructional personnel, district school boards are required to base a portion of each employee's compensation on performance.<sup>9</sup>

During negotiated bargaining between school districts and employee unions, every district provides for pay through a salary schedule, which lists pay in increments contingent on years of experience.<sup>10</sup> Generally known as

---

<sup>5</sup> s. 1012.34(3)(a), F.S.

<sup>6</sup> s. 1012.22(1)(c)4., F.S.

<sup>7</sup> s. 1012.22(1)(c)4., F.S.

<sup>8</sup> School districts that have not complied at all consist of Gadsden, Lafayette, Madison, and Walton.

<sup>9</sup> s. 1012.22((1)(c)2., F.S.

<sup>10</sup> Brevard County school district is an exception, however, in that it determines its salary schedules using a non-bargained, market-driven approach which essentially involves conducting pay surveys of comparable school districts and organizations and assessing minimums, maximums, and market values for each grade. This approach applies to salary schedules and

a “steps and lanes” approach, these schedules provide a series of columns and rows, with the rows (“steps”) representing years of experience and the columns (“lanes”) typically indicating academic degrees. All responding districts provided copies of salary schedules, except for one, which referenced inclusion of schedules in its response, but did not subsequently produce them.<sup>11</sup> While some districts did produce salary information on various types of instructional personnel, most schedules provided for instructional personnel were predominantly limited to classroom teachers. Some districts also included documentation of step increases, also a negotiated item, which provides increases from a prior salary schedule by a certain percent.

### **Additional Compensation**

Sixty school districts, or 95 percent of responding districts, provided information on forms of additional compensation available to instructional personnel, although some provided documents from just a few years, generally most recently. Districts provided less information on supplements for school-based administrators, and they are offered fewer types of additional compensation. Typically presented as a supplement schedule to the salary schedule, additional compensation is also a negotiated item and is included in collective bargaining agreements. These supplements represent monies offered above the base, or salary schedule salary, for extra duties, certain status, or certifications held.

Appearing on just about every supplement schedule are athletic and academic extracurricular supplements.<sup>12</sup> Examples of additional compensation for extra duties include in the areas of band, chorus, drama, academic clubs, such as honor societies, newspaper/yearbook sponsor, career academy directorship, class sponsors, reading coach, mock trial sponsor, science fair coordinator, speech and debate team sponsor, spelling bee coordinator, athletic coaching for numerous sports, and athletic conferencing facilitator. Supplements are typically expressed as actual dollar amounts, but at least one district provides them as a percentage of the base.<sup>13</sup>

### Differentiated Pay

The Florida Legislature required differentiated pay to be included in salary schedules beginning with the 2007-08 school year. Section 1012.22(1)(c)4., F.S., requires these categories to be determined by individual districts, but to include additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

Few responding districts cited differentiated pay as such, but included it in various forms of additional compensation. An obvious example of the criteria additional responsibilities is the supplements category which compensates for extra duties. Some districts have specifically identified in the context of differentiated pay a Critical Shortage Area designation, which typically lists supplements by job title, such as school psychologist, speech/language pathologist, certified English as a second language instructor, guidance counselor, and an agriculture and consumer science instructor. A level of job performance difficulty supplement has been extended to teachers (and often administrators) at schools with a high risk of personal injury, schools with a threshold percentage of exceptional student education population, “F”-designated or critically low performing schools, and alternative schools. Other supplement schedules include some of these categories under the heading of school demographics, and additionally included is assignment at Title I - designated schools, or schools with a certain percentage of students qualifying for free and reduced lunch, schools with a high percentage of ESOL students,

---

supplements for instructional personnel and school-based administrators. *See, i.e., Non-Bargaining Salary Administration Handbook*, Brevard Public Schools, Office of Compensation & Benefits, 2006-07 (on file with committee.) Brevard County school district adopted the market-driven approach currently in use in 2001 (pre-2001, the district enlisted assistance with a consultant to determine the schedule). (Phone conversation with Terrilynn Berry, Human Resources Analyst – Compensation, 12/6/2010.)

<sup>11</sup> Bradford County school district.

<sup>12</sup> An exception to the standard supplement plan in the collective bargaining agreement is that used by Miami-Dade school district, which offers an alternative supplement model, of which the stated purpose is to encourage consensus management at local school sites, by authorizing individual schools to agree on an annual supplement plan. To adopt an alternative supplement schedule, the school must still comply with funding requirements within FTE allocations and certain discretionary funds. *2009-2012 Successor Contract between Miami-Dade County Public Schools and the United Teachers of Dade* (on file with committee.)

<sup>13</sup> Examples provided from *Activities Supplements*, Collier County school district, Approved June 17, 2010 (on file with committee.)

and hard to staff schools. Other options available to administrators include supplements contingent on student enrollment, highest attendance, and even to a principal who opens a new school facility.<sup>14</sup>

#### Special Teachers Are Rewarded (STAR) Plan

The STAR plan was created by the Legislature in proviso in the 2006 General Appropriations Act.<sup>15</sup> The STAR proviso made available the distribution of \$147,500,000 to school districts for performance pay rewards to instructional personnel in all K-12 schools in the district. The plan required evaluations of instructional personnel to be based on the performance of their students. The plan included the following:

- Automatic eligibility for all instructional personnel who improved student achievement.
- Rewards of at least 5 percent of base pay of the best performing 25 percent of instructional personnel, with remaining funds to be distributed as bonuses to additional instructional personnel or school-based leaders.
- District selection or development of an evaluation instrument that primarily evaluates improved student achievement. To get a reward, instructional personnel must not have received any “unsatisfactory” or “needs improvement” ratings and could not receive more than one “satisfactory” rating on the areas evaluated.
- Instructional personnel must have been evaluated based on student performance, with evaluation methods approved by the State Board of Education.

According to a STAR status report in February 2007, 14 districts had fully approved plans and 34 districts met the requirements in proviso. Two districts chose not to submit a plan.<sup>16</sup> As of March 1, 2007, 46 districts qualified for STAR. The other qualified entities at the time were the Dozier School, the Florida Virtual School, 221 charter schools, and the four lab schools (FAMU, FAU, FSU, and UF).<sup>17</sup>

The 2007 Legislature repealed the STAR program through the same legislation that created the Merit Award Plan.<sup>18</sup>

#### Merit Award Plan (MAP)

In 2007, the Legislature adopted the Merit Award Program (MAP), a voluntary performance pay program for instructional personnel and school-based administrators.<sup>19</sup> Charter schools are authorized to participate. To be eligible for funding, school districts must adopt plans that designate outstanding performers to receive a merit-based pay supplement of at least five percent, but no more than ten percent of the district’s average teacher salary. School districts determine eligibility for the supplement based upon student academic proficiency, learning gains, or both as measured by statewide standardized assessments and local district-determined assessments, as well as other performance factors. At least 60 percent of the personnel evaluation must relate to student performance and up to 40 percent must relate to professional practices, including the ability to implement differentiated instruction strategies to meet individual student needs.<sup>20</sup>

<sup>14</sup> By way of example, Citrus County school district details the following forms of district-determined differentiated pay in its response: critical shortage (school psychologist, speech/language path M.A., and ESOL); level of job difficulty (social worker, ESE, guidance counselor, curriculum resource specialist); difficult duties - working at an F School for two years in succession; demographics - if a school exceeds 75% free/reduced lunch; and additional responsibilities (athletic and academics supplements).

<sup>15</sup> Specific Appropriation 91, ch. 2006-25, L.O.F.

<sup>16</sup> *STAR Chart Update*, Cheri Pierson Yecke, Ph.D., Chancellor, K-12 Public Schools, Florida Department of Education, February 14, 2007.

<sup>17</sup> *Final STAR Counts*, Florida Department of Education, March 4, 2007. The following districts did not qualify: Bay, Bradford, Broward, Charlotte, Clay, Collier, Duval, Gulf, Hendry, Highlands, Holmes, Jefferson, Marion, Okaloosa, Pasco, Pinellas, St. Johns, Santa Rosa, Sarasota, Taylor, and Washington. The plan for the Florida School for the Deaf and the Blind was not ratified, according to the DOE.

<sup>18</sup> ch. 2007-3, L.O.F.

<sup>19</sup> ch. 2007-3, L.O.F.; s. 1012.225, F.S.

<sup>20</sup> s. 1002.225(3)(e)3., F.S.

School district assessment of instructional personnel must consider the performance of students assigned to the classroom, or in the case of co-teaching or team teaching, within the instructional personnel's sphere of responsibility. The assessment of a school-based administrator must consider the performance of students at the school.<sup>21</sup>

For the 2010-2011 fiscal year, three school districts, Duval, Hillsborough, and Gilchrist County, received funding under the General Appropriations Act for MAP programs relating to the 2009-2010 school year. Total funding for the three districts amounts to \$20 million dollars.<sup>22</sup>

### Race to the Top

The Race to the Top program, a federal initiative, provides funding for education through:

“a competitive grant program designed to encourage and reward States that are creating the conditions for education innovation and reform; achieving significant improvement in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates, and ensuring student preparation for success in college and careers....”<sup>23</sup>

The program provides performance pay for the most effective teachers and principals based on significant student growth.

The Florida Department of Education oversees the application for distribution of Race to the Top funding to local school districts. Sixty-five districts applied for funding. Sixty received full program approval and 5 were conditionally approved.<sup>24</sup> The extent to which specific districts will implement the Race to the Top program is unknown at this time, however.

### **Actual Pay**

The request asked for actual pay to be provided with categories of additional compensation extrapolated. Of responding districts, just 32 answered with usable information (other than individual salaries or with just salaries listed and no other categories, even after a subsequent follow-up request), with at least some categories of additional compensation provided. Some of the districts that included performance pay as a category are profiled here.

The Brevard school district response represents one of the most comprehensive. Brevard lists many types of supplements, including for participation in after school clubs, International Baccalaureate, Saturday School, art and science fairs, ESOL expansion, band, choral, ROTC, yearbook, athletic coaching, and others. A “Special Recognition” category contains various types of bonuses, including school-based administrator pay for performance, Special Projects, National Board Certification, MAP, School Recognition, STAR for teachers, Teacher Advanced Placement Bonus, and Teacher Pay for Performance. Of these, for school-based administrators, in 2010, just school recognition bonuses were awarded. For instructional personnel in 2010, National Board Certification, School Recognition, and Teacher Advance Placement Bonuses were awarded (from the Special Recognition category).

---

<sup>21</sup> s. 1002.225(3)(a) and (b), F.S.

<sup>22</sup> Specific Appropriation 6, line item 78, General Appropriations Act (ch. 2010-152, L.O.F.)

<sup>23</sup> *Race to the Top Program*, Executive Summary, U.S. Department of Education (November 2009), pg. 2.

<sup>24</sup> Florida Department of Education website, <http://www.fldoe.org/ARRA/Racetothetop.asp>, last checked December 15, 2010.

**2009-2010 Breakdown of Pay for Brevard County School District**

	School-based Administrator	Instructional Personnel
Base Salary	\$16,398,269	\$231,498,765
Differential Compensation	612,061	7,242,110
Special Recognition	76,440	1,581,876
Total Compensation	\$17,010,330	\$238,740,875

From these figures, of differential pay, special recognition for school-based administrators represents just 12 percent and for instructional personnel, it is 21 percent. Of total pay, special recognition represents less than one half of one percent for school-based administrators and less than one percent for instructional personnel.

For 2008-2009, the special recognition category provided actual payments in the categories of special projects, school administrator pay for performance, MAP and a school recognition bonus for school-based administrators and for National Board Certification, a school recognition bonus and a teacher advanced placement bonus for instructional personnel.

**2008-2009 Breakdown of Pay for Brevard County School District**

	School-based Administrator	Instructional Personnel
Base Salary	\$16,986,033	\$233,068,619
Differential Compensation	1,022,046	7,370,424
Special Recognition	455,348	1,948,576
Total Compensation	\$18,008,079	\$240,439,043

From these figures, of differential pay, special recognition for school-based administrators represents 44 percent and for instructional personnel, it is 26 percent. Of total pay, special recognition represents just 2 percent for school-based administrators and less than one percent for instructional personnel.

Santa Rosa County school district provided various categories of supplements as follows:

**2009-2010 Breakdown of Pay for Santa Rosa County School District**

	School-based Administrator	Instructional Personnel
Total Salary	\$9,286,082	\$153,419,014
Longevity Supplement	433,323	6,542,321
Degree Supplements	83,336	(District did not extrapolate)
Travel Supplement	207,114	
Athletic Supplements	(None)	734,596
Extracurricular Supplements		1,728,201
Performance Bonuses	33,625	1,847,914
Total Compensation	\$10,043,480	\$164,272,046

Regarding school-based administrators, total supplements amount to \$757,398. Of this, just 4 percent of supplements are based on performance. This then represents just .3 percent of total compensation. Total supplements for instructional personnel amount to \$10,853,032. Of this, just 17 percent of supplements are based on performance, which then amounts to just one percent of total compensation.

**2008-2009 Breakdown of Pay for Santa Rosa County School District**

	School-based Administrator	Instructional Personnel
Total Salary	\$9,648,423	\$160,542,281
Longevity Supplement	423,002	6,714,761
Degree Supplements	84,666	(District did not extrapolate)
Travel Supplement	219,191	(None)
Athletic Supplements	(None)	1,070,904
Extracurricular Supplements	(None)	2,103,662
Performance Bonuses	397,711	4,151,084
Total Compensation	\$10,772,993	\$174,582,692

Regarding school-based administrators, total supplements amount to \$1,124,570. Of this, thirty-five percent of supplements are based on performance. This then represents just 3 percent of total compensation. Total supplements for instructional personnel amount to \$14,040,411. Of this, 29 percent of supplements are based on performance, which then represents 2 percent of total compensation.

For Volusia County school district, performance bonuses include A+ ratings, Advanced Placement, International Baccalaureate, and Merit Pay. Incentive and salary bonuses are paid for recruitment, retention, and National Board Certification.

**2009-2010 Breakdown of Pay for Volusia County School District**

	School-based Administrator	Instructional Personnel
Total Salary	\$14,154,304	\$206,830,217
Sports	(None)	933,777
Degrees	64,308	10,166,209
Incentive and Salary	3,000	1,964,883
Other (includes other duties and stipends and payment for accumulated leave)	537,900	10,736,810
Performance	74,445	1,828,458
Total Compensation	\$14,833,957	\$232,460,354

Regarding school-based administrators, total supplements amount to \$679,653. Of this, just 10 percent of supplements are based on performance. This then represents just a half of a percent of total compensation. Total supplements for instructional personnel amount to \$25,630,137. Of this, just 7 percent of supplements are based on performance, which then represents less than one percent of total compensation.

### 2008-2009 Breakdown of Pay for Volusia County School District

	School-based Administrator	Instructional Personnel
Total Salary	\$14,892,810	\$206,032,547
Sports	(None)	939,401
Degrees	62,171	99,886,519
Incentive and Salary	0	2,283,951
Other (includes other duties and stipends and payment for accumulated leave)	786,780	9,862,665
Performance	96,747	2,601,677
Total Compensation	\$15,838,508	\$321,606,760

Regarding school-based administrators, total supplements amount to \$945,698. Of this, 10 percent of supplements are based on performance. This then represents less than one percent of total compensation. Total supplements for instructional personnel constitute \$115,574,213. Of this, 2 percent of supplements are based on performance, which then represents less than one percent of total compensation.

Washington school district issued no bonuses based on performance from years 2006-2010. For the most recent school year in which bonuses were provided:

### 2005-2006 Breakdown of Pay for Washington County School District

	School-based Administrators, Classroom Teachers, and Other Certified Instructors
Total Salaries	\$15,284,907
Performance Bonuses	57,713
Other Supplements	153,304
Total Compensation	\$15,495,924

Total supplements amount to \$211,017. Of this, 27 percent are based on performance. This then represents just .3 percent of total compensation.

### Public Input on Salary Schedules

Florida law expressly requires district school boards to proactively seek input from parents, teachers, and business community representatives during the development phase of the salary schedule.<sup>25</sup>

Of responding districts, a total number of 52, or 82 percent answered this item. Most respondents identified the collective bargaining process itself as satisfaction of the requirement that teachers be involved in salary schedule determinations, in that the unions directly represent the interests of the teachers. Regarding parental input, several districts responded that parents are given annual climate/input surveys. However, from the examples provided, these do not appear to address salary schedules.<sup>26</sup> Some districts indicated that public representation, both for

<sup>25</sup> s. 1012.22(1)(c)3., F.S.

<sup>26</sup> Bradford, Brevard, and Manatee County school districts noted the provision of parent surveys, which typically query parents in various areas regarding satisfaction related to their child's school.



parents and community business representatives is satisfied through election of the local school board by the electors of the community.<sup>27</sup>

Districts additionally stated as follows regarding input from the business community:

- Community business representatives serve on compensation task forces;<sup>28</sup>
- The current school board chair is a local businessman;<sup>29</sup> and
- The district maintains an active District Advisory Council of parents, community leaders, and business professionals and provides a report every year to the Board which includes salaries.<sup>30</sup>

Respondents overwhelmingly cited public hearings themselves as the conduit for participation in salary schedules. Many districts supplied agendas which contained a reference to “Budget” and, in some cases, “Salary Schedules” on the actual agenda. Some noted an opportunity for public comment appearing as an additional item on the agenda.<sup>31</sup> However, in some of these cases, these meetings represented the final vote on the agenda. It is unclear whether salary schedules were specifically referenced on previous agendas, such as collective bargaining meetings.

### **The Use of Student Assessments for Evaluations of Instructional Personnel and School-based Administrators**

Florida law requires that evaluations of instructional personnel and school-based administrators be primarily based on student performance. More specifically, the instrument of evaluation must primarily use data and indicators of improvement in student performance, either through:

- State assessments (Florida Comprehensive Assessment Test (FCAT)) in content areas required to be tested by law to demonstrate school progress; or
- Local assessments for subjects and grade levels not measured by the state assessment.<sup>32</sup>

Assessment criteria must include student performance.<sup>33</sup> Current law requires district schools to conduct the following testing:

- Reading – grades 3 through 10;
- Mathematics – grades 3 through 10;<sup>34</sup>
- Writing – administered at least once at the elementary, middle and high school levels;
- Science – administered at least once at the elementary, middle and high school levels;<sup>35</sup>
- End-of-course assessments approved by the Department of Education;
- Statewide, standardized end-of-course assessments in mathematics, including Algebra I and Geometry;<sup>36</sup>
- Statewide, standardized end-of-course assessments in science, including Biology;<sup>37</sup> and

<sup>27</sup> Nassau, St. Johns, and Okaloosa.

<sup>28</sup> Duval.

<sup>29</sup> Franklin.

<sup>30</sup> Gilchrist.

<sup>31</sup> Volusia County school district included the following public input section on one of its agendas “This public participation portion of the agenda allows a member of the public up to four minutes to speak to items for which approval by the board has been requested at this meeting.” *Agenda*, The School Board of Volusia County, Florida (February 10, 2009, pg. 4) (on file with committee.)

<sup>32</sup> s. 1012.34(3)(a), F.S.

<sup>33</sup> s. 1012.34(3)(a)1., F.S.

<sup>34</sup> Beginning with the 2010-11 school year the administration of grade 9 FCAT mathematics is to be discontinued and beginning with the 2011-12 school year, grade 10 FCAT math is to be discontinued (s. 1008.22(3)(c)1., F.S.)

<sup>35</sup> Beginning with the 2011-12 school year the administration of FCAT science is to be discontinued (s. 1008.22(3)(c)1., F.S.)

<sup>36</sup> For Algebra I, students entering the 9<sup>th</sup> grade enrolled in Algebra I must earn a passing score on the end-of-course assessments start with the 2011-2012 school year and the requirement for earning a passing score in Geometry, begins with students entering the 9<sup>th</sup> grade in the 2012-2013 school year.

- End-of-course assessments in civics administered at the middle school level.<sup>38</sup>

Subjects tested outside of state requirements would be considered local assessments, either locally developed or adopted.

Staff asked four questions related to the use of assessments. These questions were designed to determine how many districts use local assessments to evaluate instructional personnel and school-based administrators, and how much both local and state assessments factor into their evaluations. Of responding districts, fifty-five, or 87 percent of districts answered at least some of the series of questions related to the use of student assessments. Quite a few districts submitted inaccurate responses based on the premise that we were requesting information about how many teachers are evaluated (considering these to be local assessments) rather than student assessments. Even subsequent to follow-up requests, several districts continued to reply based upon this approach, or they alternatively stated that they do not keep this information. Therefore, staff determined answers given in this way to be unusable and therefore were removed from the calculations.

Question 1: The number and percentage of instructional personnel that are evaluated through local student assessments, as required in s. 1012.34(3)(a), F.S., for subjects and grade levels not measured by the state assessment program.

Of the 55 who responded, staff determined 20 to be unusable, or 36 percent of the total. This is subsequent to sending a follow-up letter specifically requesting that responses be provided using a number/percent format. Of the final 35 responses that provided answers in the requested format, 13, or 37 percent responded “none” or “zero” such that they do not have any instructional personnel evaluated through local assessments.

Question 2: The number and percentage of school-based administrators that are evaluated through local student assessments, as required in s. 102.34(3)(a), F.S., for subjects and grade levels not measured by the state assessment program.

Again, a number of districts did not answer properly using the format given. A total of 53 districts answered the question at all. Of these 53, 17 did not answer correctly, or answered that they do not maintain this information, leaving a total of usable responses at just 36 responses. Of these, 16, or 44 percent responded that they do not use any local assessments in evaluations school-based administrators.

Question 3: The number of local assessments that meet the requirements of s. 1012.34(3)(a), F.S., by subject area and by year.

A total of 52 districts responded. Of these, nine districts provided unusable responses. Of the remaining 43 districts, 13, or 30 percent indicated that they do not use any local assessments for subjects not tested by state assessments. Districts that listed out assessments by subject and year provided a variety of types, with some districts responding in the hundreds. Examples of local assessments commonly cited by districts included end-of-course exams, ThinkLink, Plan, FAIR (Florida Assessment for Instruction in Reading), DIBELS (Dynamic Indicators of Early Learning Skills), Abacus (reading), the ACT, the SAT 10, CELLA (Comprehensive English Language Learner Assessment), and Macmillan (grade 2).

Question 4: The percentage that local or state assessment results factor into the instructional personnel’s or school-based administrator’s evaluation by year.

Fifty-two districts responded to this request. Of these, 36 respondents answered through the number/percent format requested. Several districts answered that they are unable to respond as such due to the structure of their evaluation system, in that student performance represents just one of many factors. One district indicated that evaluations include a separate performance dimension for student performance and that a rating of unsatisfactory

---

<sup>37</sup> Students entering the 9<sup>th</sup> grade must receive a passing score in Biology starting with the 2012-2013 school year.

<sup>38</sup> Starting with the 2014-2015 school year, students must earn a passing score on the end-of-course assessment in civics education; s. 1008.22(3)(c), F.S.

would result in an overall unsatisfactory.<sup>39</sup> Six districts, or 16 percent of the 36 who answered in a number format, admitted that local and state assessment results do not factor into instructional personnel or school-based administrator evaluations at all. An additional district stated that local assessments do not count at all in the evaluation process but that 50% of the school-based administrator evaluation is based on FCAT and federal Adequate Yearly Progress.

### **Terminations of Instructional Personnel and School-based Administrators on the Basis of Student Performance**

Fifty districts responded to this item regarding instructional personnel and forty-nine responded for terminations of school-based administrators. Of responding districts, 36 answered correctly using the format requested.<sup>40</sup> Of the 36, a total of 28, or 77 percent of districts indicated that no instructional personnel had been terminated based on student performance. Although the format had been provided, as stated above, districts at times provided semantically-different answers, saying alternately that none had been terminated based on student performance, zero had been terminated primarily for student performance, or that zero had been terminated strictly, or solely for student performance. Phrasing the latter two responses as such can be read in two ways, either that student performance is not a basis for termination in that district, or that student performance standing alone is not a basis for termination. Of remaining districts, another five provided numbers of terminations of instructional personnel close to zero based on student performance.<sup>41</sup>

Regarding school-based administrators, 36 also answered using the requested format. Thirty-four districts, or a full 94 percent responded that no school-based administrators had been terminated for student performance. Three additional districts for which data could be used provided numbers and percents of close to zero terminations of school-based administrators for student performance. In another district, only one termination occurred over a six-year timeframe, with the remaining four changes to a school-based administrator's employment constituting removals or reassignments.

Several districts responded that Professional Service Contract teachers or school-based administrators typically resign before the School Board meets to approve a termination recommendation, which therefore, would not technically count as a termination.<sup>42</sup>

### **Auditor General Audits on School Districts**

In a series of reports recently released, the Auditor General determined seven school districts to be noncompliant in areas related to this issue brief.<sup>43</sup> First, the Auditor General found that the district's performance assessment procedure was not primarily based on student performance in 6 of the 7 districts, as is required pursuant to s. 1012.34(3), F.S.<sup>44</sup> More specifically:

While the instructional performance appraisals included student performance as a component of the evaluation, District records did not sufficiently evidence a correlation between student performance and the employee's performance assessments and records did not demonstrate that

---

<sup>39</sup> Pasco County school district.

<sup>40</sup> The request letter asked that answers be expressed as the number/percent of instructional personnel/school-based administrators that have been terminated based on student performance. Regarding instructional personnel, some districts provided information on non-renewals of annual contract teachers and on teachers who did not pass the 3 months probationary period. For purposes of this project, staff focused instead only on those instructional personnel employed through professional service contracts, or continuing contracts as they are otherwise known. Severing employment with these individuals is referred to as a termination, rather than a non-renewal.

<sup>41</sup> This report classifies terminations as being "close to zero" if they represent an average of less than 1 percent over the time period queried.

<sup>42</sup> Columbia, Pasco and Volusia County school districts.

<sup>43</sup> Reports just published found deficiencies in schools districts in Calhoun (Report No. 2011-048), Duval (Report No. 2011-042), Hernando (Report No. 2011-034), Indian River (Report No. 2011-055), Manatee (Report No. 2011-050), Martin (Report No. 2011-056), and Osceola (Report No. 2011-051) County school districts.

<sup>44</sup> Calhoun, Duval, Hernando, Indian River, Manatee, and Osceola County school districts.

student performance was the primary factor of the overall evaluation rating. For example, the evaluation form did not provide a numeric or percentage indicator to show that student achievement was the primary contributing factor used to evaluate employee performance. Without measuring employee performance by the required criteria, performance assessments of instructional personnel are incomplete and may not effectively communicate the employee's accomplishments or shortcomings.<sup>45</sup>

The Auditor General found additional noncompliance in the following areas:

- Section 1012.22(1)(c)2., F.S. - Six districts failed to adopt formal policies and procedures for ensuring that a portion of instructional personnel pay is based upon performance.<sup>46</sup>
- Section s. 1012.22(1)(c)4., F.S. - Six districts failed to properly document the differentiated pay process for instructional personnel and school-based administrators, as is mandated.<sup>47</sup>

The Auditor General has attached a preliminary and tentative finding to an additional 13 districts for noncompliance with at least one of ss. 1012.22(1)(c)2., 1012.22(1)(c)4., or 1012.34(3), F.S.<sup>48</sup>

This year represents the first that these requirements are within the Auditor General's scope of review during school district audits.<sup>49</sup> These findings are not comprehensive for all districts, as audits applying this criteria continue to be released on a rolling basis.<sup>50</sup> The Auditor General indicates that, to date, in reviewing districts for compliance with the sections of law cited above, 100 percent of audits issued or with preliminary and tentative status contain deficiencies in at least one area.

### Conclusion

The following conclusions are drawn from this project:

- **Compliance with s. 1012.22(1)(c)2., F.S.:** Integral to the concept of salary schedules is the setting of salaries based on years of employment. Based on fixed increments of time increases, instructional personnel and school-based administrators are rewarded overwhelmingly for workplace longevity. Job performance is immaterial to the blueprint of the salary schedule. Therefore, due to the very nature of the salary schedule, and based on district responses, it appears that performance is not reflected in compensation for most districts. This is supported by the Auditor General's recently published reports. The profiles of districts regarding actual pay show that performance pay accounts for, on average, about one percent of total pay for both instructional personnel and school-based administrators. This is only for those districts that responded with performance pay able to be calculated as a percentage against overall pay. Again, this is a very conservative estimate, and the actual weight of performance, especially student performance, on salary, is likely much less, given that staff is unable to ascertain exactly what is considered to be pay based on performance. Therefore, even where performance pay is present, it does not factor into compensation at a meaningful level.
- **Compliance with s. 1012.22(1)(c)3., F.S.:** Regarding public input, school districts appear to allege that teachers unions represent the interests of teachers for purposes of meeting the teacher input requirement. Less clear is actual, consistent input by parents and community business representatives. That school boards are elected by the public or that open meeting requirements are satisfied, during which time

<sup>45</sup> Report No. 2011-048 (Calhoun), pg. 52.

<sup>46</sup> Calhoun, Hernando, Indian River, Manatee, Martin, and Osceola County school districts.

<sup>47</sup> Calhoun, Hernando, Indian River, Manatee, Martin, and Osceola County school districts.

<sup>48</sup> "Auditees have 30 days to respond to our preliminary and tentative findings. A preliminary and tentative finding is included in the final report unless information comes to our attention through the auditee's response, or by other means, that indicates that the finding should not be included in the final report. In some instances, a preliminary and tentative finding may be modified for the final report based on information we receive." *Excerpt from email from Ted Sauerbeck, December 14, 2010.*

<sup>49</sup> Phone conversation with David Martin, Auditor General, December 10, 2010.

<sup>50</sup> Phone conversation with Ted Sauerbeck, Deputy Auditor General, December 15, 2010.

budgets are voted upon, can hardly be said to meet the spirit of the active public participation requirement.

- **Compliance with s. 1012.22(1)(c)4., F.S.:** Although it appears standard for districts to offer additional pay for additional responsibilities (as reflected by supplement schedules), other types of differentiated pay are largely absent, and as is noted by the Auditor General, districts are not documenting the basis for differentiated pay.
- **Compliance with s. 1012.34(3)(a), F.S.:** Thirty-seven percent of respondents indicate that they do not have any process providing for instructional personnel to be evaluated through local assessments, with an overwhelming 44 percent stating the same regarding school-based administrators. Overall, 16 percent of districts admitted that local and state assessments have no role in evaluations of instructional personnel and school-based administrators, which is in direct contravention to law. These numbers were obtained from the limited districts who actually complied, and therefore, it is expected that numbers of non-compliance are actually much higher, especially given the Auditor General's findings of deficiencies in this area.
- **Weight of Performance on Retention:** A full 77 percent of districts admitted that no instructional personnel had been terminated based on student performance, with 94 percent answering the same regarding school-based administrators. It appears to be somewhat common practice to retain these individuals in their current positions or to transfer, rather than remove, ineffective administrators and teachers, although some districts allege that teachers tend to resign on their own. If true, the resignation enables ineffective teachers to seek reemployment untainted by a termination on their record.