

STORAGE NAME: h3651.ca

DATE: March 3, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 3651

RELATING TO: Duval County/School District Personnel

SPONSOR(S): Representatives Fuller, King and others

COMPANION BILL(S): SB 664

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill applies the current general law provisions of "teacher tenure," to all Duval County school district personnel employed July 1, 1998 and after. School district personnel employed prior to July 1, 1998, continuously by the district, retain all rights currently provided by the district's special acts.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Several special acts govern teachers employed by the School Board of the Consolidated City of Jacksonville, Duval County, Florida. Chapter 21197, Laws of Florida, 1941, originally provided terms for teacher tenure. That special act has been amended by subsequent special acts of the Legislature.

Sections 231.29 and 231.36, Florida Statutes, as amended by chapter 97-310, Laws of Florida, relate to school district personnel performance assessment requirements and educator employment contracts. CS/SB 340 (1997) originally provided that anyone employed before July 1, 1997, by the Duval, Hillsborough, or Volusia county school board retains rights granted under local tenure laws. This provision was amended out of the bill before becoming law.

The law reduces the time frame for correction of performance deficiencies to 90 days and revised and clarified other personnel actions and procedures. The law establishes a 97-day, probationary period for instructional personnel, supervisors and principals hired after July 1, 1997.

Section 231.29, Florida Statutes, relates to district personnel assessment systems. Some of the requirements of that section are:

- Districts must provide a personnel assessment system based on criteria for continuous quality improvement of the professional skills of instructional personnel;
- The personnel assessment system must include a mechanism for parents to provide input into employee performance;
- School boards may establish a peer assistance process;
- The assessment procedure for instructional personnel must include a student performance component, indicators relating to ability to maintain discipline, knowledge of subject matter, ability to plan and deliver instruction, ability to evaluate instructional need, ability to communicate with parents and other professional competencies.
- Performance assessments must be conducted by the individual responsible for supervising the employee. The evaluator must submit a written report to the superintendent for purposes of reviewing the employee's contract.

In addition, section 231.36, Florida Statutes, relating to educator employment contracts with supervisors, principals, and instructional personnel, provides that any instructional staff member newly employed after June 30, 1997, the first 97 days of employment is established as a probationary period. During the probationary period, the employee may be dismissed without cause or may resign without breach of contract.

The new time line for correcting deficiencies by the employee is 90 calendar days upon the next renewal of the performance service contract. Also, a revision was made in the appeal process for dismissal for just cause during the term of the contract for members of the

instructional staff, excluding continuing contract status employees. The hearing must be conducted **at the school board's election**, rather than the employee's election, of either of the following two options:

- a direct hearing to be conducted by the school board within 60 days of the written request; or
- a hearing conducted by an administrative law judge of the Division of Administrative Hearings (DOAH) within the Department of Management Services (DMS) within 60 days of the written request.

B. EFFECT OF PROPOSED CHANGES:

This bill applies the provisions of sections 231.29 and 231.36, Florida Statutes, (chapter 97-310, Laws of Florida), to all Duval County school district personnel employed July 1, 1998 and after. School district personnel employed prior to July 1, 1998, continuously by the district, retain all rights currently provided by the district's special acts.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 21177, 1941, Laws of Florida, as amended by chapters 67-1310, 67-1346, 70-671, 71-619, 72-576, 81-372, 82-242, 84-425, 89-489 and 92-341, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

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- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Amends chapter 21177, 1941, Laws of Florida, as amended by chapters 70-671, 71-619, 72-576, 81-372, 82-242, 84-425, 88-491, 89-489, and 92-341, Laws of Florida.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

- A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 9, 1997

WHERE? Financial News & Daily Record, Jacksonville, Duval County, FL

- B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

- C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

- D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

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IV. COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:
Prepared by:

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Joan E. Highsmith-Smith

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