

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

**BILL:** CS/SB 2466

**INTRODUCER:** Education Pre-K-12 Committee and Senator Villalobos

**SUBJECT:** School Districts

**DATE:** March 31, 2009      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Matthews	ED	<b>Fav/CS</b>
2.	_____	_____	EE	_____
3.	_____	_____	EA	_____
4.	_____	_____	WPSC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

Beginning with the 2009-2010 academic year, district school superintendents may not recommend to the school board increases to the salary schedules for administrators and managers, if the salary schedules of instructional personnel and educational support employees have not increased on a percentage basis more than that proposed for administrators and managers. Additionally, superintendents are tasked with the following:

- Ensuring that any pay disparity between administrators or managers and classroom teachers does not exceed twice the district’s average salary of classroom teachers for the prior academic year; and
- Recommending either a reduction in pay for an administrator or manager or a commensurate increase in the salaries and salary schedule for classroom teachers, if there is a pay disparity.

District school boards must accept the superintendent’s recommendations for compensation and salary schedules, beginning with the 2009-2010 academic year, unless the recommendations are rejected by a vote of 66 percent of the school board members.

This bill substantially amends ss. 1012.22 and 1012.27 of the Florida Statutes.

## II. Present Situation:

### *Assessment of Personnel and Performance Pay*

An assessment must be conducted for each school district employee at least once a year.<sup>1</sup> The assessment for instructional personnel and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 1008.22, F.S. Student performance must be measured by state assessments and by local assessments for subjects and grade levels not measured by the state assessment program.<sup>2</sup>

Current law sets forth the district school board's responsibilities for compensation and salary schedules.<sup>3</sup> In determining the salary schedule for instructional personnel, the board must base a portion of each employee's compensation on performance demonstrated under s. 1012.34, F.S., and must consider other factors such as professional experience. Beginning with the 2007-2008 school year, districts must adopt differentiated pay schedules for instructional personnel and school-based administrators based on district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical teacher shortage areas, and job performance difficulty.<sup>4</sup>

## III. Effect of Proposed Changes:

### *Assessment of Personnel and Performance Pay*

Beginning with the 2009-2010 academic year, the district school superintendent may not recommend to the school board increases to the salary schedules for administrators or managers if the salary schedules of instructional personnel<sup>5</sup> and educational support employees<sup>6</sup> have not increased on a percentage basis more than that proposed for administrators and managers before or at the same time as the proposal. Additionally, the superintendent must ensure that no administrator or manager is paid in excess of twice the district's average salary of classroom teachers for the prior academic year. If there is a pay disparity, the superintendent must recommend either a reduction in pay for the administrator or manager or a commensurate increase in the salaries and salary schedule for classroom teachers.<sup>7</sup> School boards are still responsible for adopting salary schedules pursuant to s. 1012.22, F.S.; however, they must adopt

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<sup>1</sup> s. 1012.34, F.S.

<sup>2</sup> *Id.*

<sup>3</sup> ss. 1012.22(1)(c) and 1012.27(2), F.S.

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

<sup>5</sup> s. 1012.01(2), F.S., defines instructional personnel as any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also include K-12 personnel whose functions provide direct support in the learning process of students.

<sup>6</sup> Section 1012.01(6), F.S., defines educational support employees as K-12 employees whose job functions are neither administrative nor instructional, yet whose work supports the educational process. This includes doctors, nurses, attorneys, certified public accountants, technicians, clerical/secretarial workers, and skilled crafts and service workers.

<sup>7</sup> Classroom teachers are defined in s. 1012.01(2)(a), F.S.

the superintendent's recommendations for compensation and salary schedules, unless 66 percent of the board members vote to reject them.

The bill refers to administrative personnel<sup>8</sup> and manager positions,<sup>9</sup> but does not specify whether they are administrators and managers at the district level, school level, or both. Generally, the salaries for administrators are based on 12 months and the teacher salaries are based on 10 months.<sup>10</sup> The bill does not contemplate any adjustments for this difference. Under the bill, if the pay of one administrator or manager exceeds twice the district's average salary of classroom teachers for the prior academic year, the salaries for all classroom teachers may be increased. Presumably, if there is a disparity involving more than one administrator or manager, there could also be additional increases in classroom teacher salaries.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article I, section 6, of the State Constitution provides for the rights of persons to work and collectively bargain. Under the bill, administrators may be represented by a labor organization, and to the extent that they are, reductions in salary may be challenged.

Article I, section 10 of the State Constitution, provides for contract rights. Depending on how the district school board implements salary recommendations for administrators and the provisions of the contract, contract rights may be implicated.

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<sup>8</sup> Under s. 1012.01(3), F.S., administrative personnel include K-12 personnel who perform management activities such as developing broad policies for the school district and executing those policies through the direction of personnel at all levels within the district. This includes district school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, career center directors, and others who perform management activities at the district and school level.

<sup>9</sup> Managers include those K-12 staff members who perform managerial and supervisory functions while usually also performing general operations functions. Managers may have either instructional or noninstructional responsibilities. *See* s. 1012.01(7), F.S.,

<sup>10</sup> *Statistical Brief, Staff Salaries of Selected Positions, 2007-2008*, Department of Education, Series 2008-25B, 2007-2008 Survey 3 data, February 4-8, 2008, as of May 14, 2008.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

If the school board adopts the superintendent's recommendation to address a pay disparity, the pay for an administrator or manager may be reduced or the pay and salary schedule for classroom teachers may increase.

**C. Government Sector Impact:**

If the school board adopts the superintendent's recommendation to address a pay disparity, the pay for an administrator or managers may be reduced or the pay and salary schedule for classroom teachers may increase.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Education Pre-K-12 on March 31, 2009:**

CS for SB 2466:

The committee substitute removes the provisions related to the recall and removal of a district school board member.

**B. Amendments:**

None.