

**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.)

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

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BILL: SB 978

INTRODUCER: Senator Legg

SUBJECT: Public School Teachers

DATE: January 19, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	<u>                    </u>	<u>                    </u>	<u>AED</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**I. Summary:**

SB 978 codifies the Florida Best and Brightest Teacher Scholarship Program (scholarship program) to award a scholarship, in an amount prescribed by the Legislature in the General Appropriations Act, to a public school teacher who has:

- Scored at or above the 60th percentile on the SAT or ACT, based upon the percentile rankings in effect when the assessment was taken; and
- Been evaluated as highly effective.

However, a first-year teacher who has not yet been evaluated may be eligible under the scholarship program if he or she scored at or above the 80th percentile on the SAT or ACT.

A teacher who is deemed eligible under the scholarship program by the school district remains eligible while he or she is employed by the school district and if he or she maintains a performance evaluation as highly effective or, for a first-year teacher, is later evaluated as highly effective.

The bill takes effect on July 1, 2016.

**II. Present Situation:**

For the 2015-2016 fiscal year, the Legislature appropriated funds in the amount of \$44,022,483 for the Florida Best and Brightest Teacher Scholarship Program (scholarship program) in the 2015 General Appropriations Act (GAA).<sup>1</sup> According to proviso in the 2015 GAA, up to 4,402

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<sup>1</sup> Specific Appropriation 99A, s. 2, ch. 2015-232, L.O.F.

teachers<sup>2</sup> may each be awarded a \$10,000 scholarship if the following eligibility criteria are met:<sup>3</sup>

- Scoring at or above the 80th percentile on the SAT or ACT, based on the percentile rankings applicable during the time that the assessment was taken; and
- Receiving a performance evaluation as highly effective pursuant to s. 1012.34, F.S.<sup>4</sup>

However, a first-year teacher who has not yet been evaluated may be eligible for the scholarship program if his or her SAT or ACT score is at or above the 80th percentile.<sup>5</sup>

In order to demonstrate eligibility for the scholarship program, an eligible teacher had to submit to the school district<sup>6</sup> by October 1, 2015, an official record of his or her SAT or ACT score.<sup>7</sup> Each school district was required to submit to the Department of Education (DOE) the number of eligible teachers who qualified for the scholarship program by December 1, 2015, and, based on the number of eligible teachers reported, the DOE must disburse the funds to each school district by February 1, 2016.<sup>8</sup> Each school district must make payment of the scholarship funds to eligible teachers by April 1, 2016.<sup>9</sup>

If the number of eligible teachers exceeds the total appropriated in the 2015 GAA, the DOE must prorate the per-teacher scholarship amount.<sup>10</sup> According to the DOE, 5,332 teachers have been deemed eligible for the scholarship award, with each teacher receiving an award in the amount of \$8,256.27.<sup>11</sup>

While the scholarship program is being implemented, the DOE has provided guidance through a series of memoranda to assist school districts in determining teacher eligibility.<sup>12</sup>

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<sup>2</sup> The Florida Department of Education (DOE) has interpreted “teachers” eligible for the program to mean “classroom teachers” as defined in s. 1012.01(2)(a), F.S. DOE’s Memorandum to School District Superintendents, *Guidance on Best and Brightest Teacher Scholarship*, July 27, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7404/dps-2015-116.pdf>. “Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers.” Section 1012.01(2)(a), F.S. However, the DOE has further interpreted that a substitute teacher is not eligible under the program, since a teacher must be evaluated as highly effective and a performance evaluation is not conducted for substitute teachers. DOE’s Memorandum to School District Superintendents, *The Best and Brightest Teacher Scholarship Program – Frequently Asked Questions*, addendum A, September 4, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7450/dps-2015-145a.pdf>.

<sup>3</sup> *Supra* note 1.

<sup>4</sup> Each school district determines the level of performance of instructional personnel, including classroom teachers, based on the school district’s evaluation system, approved by the DOE. Section 1012.34(1), F.S. There are four levels of performance: highly effective; effective; needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing; and unsatisfactory. *Id.* at (2)(e).

<sup>5</sup> *Supra* note 1.

<sup>6</sup> According to proviso in the 2015 GAA, a “school district” includes the Florida School for the Deaf and the Blind and a charter school governing board.

<sup>7</sup> *Supra* note 1.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Brian Dassler, Deputy Chancellor, Florida Department of Education, Presentation to the Senate Committee on Education Pre-K – 12 *re:* Florida’s Best & Brightest Teacher Scholarship Program (January 13, 2016).

<sup>12</sup> Florida Department of Education’s (DOE) Memorandum to School District Superintendents, *Guidance on Best and Brightest Teacher Scholarship*, July 27, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7404/dps->

### III. Effect of Proposed Changes:

SB 978 codifies the Florida Best and Brightest Teacher Scholarship Program (scholarship program), which was appropriated for in the 2015 General Appropriations Act (GAA),<sup>13</sup> to award a scholarship to a public school teacher who has:

- Scored at or above the 60th percentile on the SAT or ACT, based upon the percentile rankings in effect when the assessment was taken; and
- Been evaluated as highly effective.

However, a first-year teacher who has not yet been evaluated may be eligible under the scholarship program if he or she scored at or above the 80th percentile on the SAT or ACT. Unlike the proviso in the 2015 GAA, the bill requires different eligibility criteria for first-year teachers and teachers who have been evaluated as highly effective by requiring unevaluated first-year teachers to meet a higher percentile ranking on the SAT or ACT. Thus, rather than requiring a score at or above the 60th percentile on either of those assessments, a first-year teacher must score at or above the 80<sup>th</sup> percentile.

The bill requires, by October 1, an eligible teacher to submit to the school district<sup>14</sup> an official record of his or her SAT or ACT score demonstrating that he or she has met the qualifying percentile ranking. Furthermore, a teacher who is deemed eligible under the scholarship program by the school district remains eligible while he or she is employed by the school district and if he or she maintains a performance evaluation as highly effective or, for a first-year teacher, is later evaluated as highly effective. In effect, a teacher who has been deemed eligible for the scholarship program by the school district would not need to resubmit SAT or ACT scores and officially apply for the scholarship funds each year, unless he or she transferred to another school district.

By December 1, each school district must submit to the Department of Education (DOE) the number of eligible teachers who qualify for scholarship funds. Subsequently, by February 1, the DOE must disburse scholarship funds, in an amount prescribed by the Legislature in the GAA, to each school district for payment to eligible teachers no later than April 1. If the number of eligible teachers exceeds the total appropriation authorized in the GAA, the DOE must prorate the per-teacher scholarship amount.

The bill takes effect on July 1, 2016.

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[2015-116.pdf](#). DOE's Memorandum to School District Superintendents, *The Best and Brightest Teacher Scholarship Program – Frequently Asked Questions*, September 4, 2015, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7449/dps-2015-145.pdf> (addenda A-C available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7450/dps-2015-145a.pdf>, <http://info.fldoe.org/docushare/dsweb/Get/Document-7451/dps-2015-145b.pdf>, and <http://info.fldoe.org/docushare/dsweb/Get/Document-7452/dps-2015-145c.pdf>).

<sup>13</sup> *Supra* note 1.

<sup>14</sup> The bill defines the term “school district” to include the Florida School for the Deaf and the Blind and a charter school governing board.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill provides that the total amount of funding for the Florida Best and Brightest Teacher Scholarship Program shall be prescribed by the Legislature in the General Appropriations Act. Therefore, the per-teacher scholarship amount will depend on the number of eligible teachers reported by the school districts.

**VI. Technical Deficiencies:**

Lines 51-52 of the bill appear to inadvertently omit the requirement that an official record demonstrating a score at or above the 80th percentile on the SAT or ACT be submitted by a first-year teacher who has not been evaluated.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 1012.731 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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