

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1298

SPONSOR: Senator Horne

SUBJECT: Teacher Assessments

DATE: April 9, 1999

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hill	O'Farrell	ED	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Instructional personnel who are hired by school districts under annual contracts and are determined to have performance deficiencies will not be subject to the provisions of section 231.29, Florida Statutes, which allow a 90-day probationary period for correcting performance deficiencies and permit the employee to appeal the superintendent's decisions to terminate the contract or not renew the contract for the subsequent year. Only employees hired under professional service contracts will be subject to those provisions.

This bill substantially amends the following section of the Florida Statutes: 231.29.

II. Present Situation:

Section 231.29, F.S. requires each district to establish procedures for assessing the performance of the district's instructional, administrative, and supervisory personnel. All district instructional personnel must be evaluated by their supervisors at least once a year. This statute also establishes procedural requirements that benefit the personnel being assessed, as well as, administrators and school boards that must make defensible employment decisions that ultimately affect students. Employees must be fully informed of assessment criteria and procedures prior to the assessment. Within 10 days after the evaluation, the employee must be given a written report of the results, including notice of any performance deficiencies.

Instructional personnel must correct performance deficiencies within 90 calendar days (not including school holidays or vacation periods). During that 90-day period, the employee must be periodically evaluated and apprised of progress and must be provided inservice training and assistance. The employee may request a transfer to a different supervisor at any time during the 90-day period. Transferring does not extend the period for correcting performance deficiencies. Within 14 days after the end of the 90-day period, the evaluator must determine whether the performance deficiencies were corrected and must forward a recommendation to the superintendent. The superintendent has 14 days to notify the employee, in writing, whether

performance deficiencies were corrected and whether the employee will be recommended for continued employment for the subsequent year or termination.

If the superintendent recommends non-renewal or termination, the employee has 15 days to request a hearing. The hearing must be held within 60 days after the request either by the school board or an administrative law judge assigned by the Division of Administrative Hearings (DOAH) of the Department of Management Services (DMS).

Section 231.36 requires each school board to provide written employment contracts to all supervisors, principals, and members of the instructional staff. All instructional personnel, principals, and supervisors hired by district school boards after June 30, 1997, may be dismissed without cause during the first 97 days of their initial contract and may resign during that probationary period without breach of contract. Instructional personnel initially receive annual contracts. Annual contracts terminate at the end of the contract period (typically the 196 days of required service). A school board may decide not to issue a new annual contract without giving the employee a reason or an opportunity to challenge the appropriateness of the non-renewal.

Chapter 97-310, Laws of Florida, revised ss. 231.29 and 231.36, F.S., to create the probationary period for all newly hired teachers and administrators; revise performance assessment procedures for all instructional personnel; and reduce the period for correcting performance deficiencies. The law applied the new performance assessment criteria and related appeals procedures to all instructional employees, regardless of whether they were hired under an annual contract or a professional service contract.

Applying the 90-day probationary period and related appeals process to employees hired under 196-day annual contract has had unintended effects. Annual contract employees would have to be evaluated at the very start of the school year to accommodate that process before the annual contract expires. When a performance review identifies unsatisfactory performance, the subsequent 90 probationary period, notice requirements, appeals, and hearing process can easily take 193 days if fully exercised.

III. Effect of Proposed Changes:

Instructional personnel who are hired by school districts under annual contracts and are determined to have performance deficiencies will not be subject to the provisions of section 231.29, Florida Statutes, which allow a 90-day probationary period for correcting performance deficiencies and permit the employee to appeal the superintendent's decisions to terminate the contract or not renew the contract for the subsequent year. Only employees hired under professional service contracts will be subject to those provisions.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.