

2021 Education Appropriations Legislation that Governs Instructional Employees' Salary Negotiations

1. Teacher and Principal Bonus Appropriations Authorization

[2021-2022 General Appropriations Act (GAA), page 436]

“SECTION 46. For Fiscal Year 2020-2021, there is hereby appropriated to the Department of Education in the Federal Grants Trust Fund the nonrecurring sum of \$215,725,460, from the state education agency’s portion of the funds awarded to the department in the American Rescue Plan (ARP) Act. These funds are provided for the department to provide full time classroom teachers, to include certified prekindergarten teachers funded in the Florida Education Finance Program, and principals in district schools and charter schools and the Florida School for the Deaf and Blind with a one-time bonus of \$1,000. In addition to funds for the \$1,000 bonus, funds are provided for the employer share of FICA and \$3,519,100 for the department to administer the program. The unexpended balance of funds as of June 30, 2021, shall revert and is appropriated for Fiscal Year 2021-2022 to the department for the same purpose. This section shall take effect upon becoming a law.”

Notes:

- The Legislature selected the State Education Agency’s (SEA’s) share of the revenue from the American Rescue Plan Act (ARP) as the source to pay for these bonuses.
- The Legislature did not use funds from Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act Elementary and Secondary School Emergency Relief Fund II (ESSER II) for this initiative.

2. Teacher Salary Increase Allocation

[2021-2022 General Appropriations Act (GAA), pages 22-23]

“SECTION 2.

90 AID TO LOCAL GOVERNMENTS
 GRANTS AND AIDS - FLORIDA EDUCATIONAL
 FINANCE PROGRAM
 FROM GENERAL REVENUE FUND 9,294,820,217
 FROM STATE SCHOOL TRUST FUND 144,273,902

Funds provided in Specific Appropriations 7 and 90 shall be allocated using a base student allocation of \$4,372.91 for the FEFP.

From the funds in Specific Appropriations 7 and 90, \$550,000,000 is provided for the Teacher Salary Increase Allocation, pursuant to section 1011.62, Florida Statutes.

Eighty percent of the total allocation is provided for school districts to increase the minimum base salary for full-time classroom teachers as defined in section 1012.01(2)(a), Florida Statutes, plus certified prekindergarten teachers funded in the Florida Education Finance Program, but not including substitute teachers, to at least \$47,500, or to the maximum amount achievable based on the school district’s allocation. No eligible full-time classroom teacher shall receive a base salary less than the minimum base salary as adjusted by the school district’s allocation.

Twenty percent of the total allocation, plus any remaining funds from the district’s share of the eighty percent allocation, shall be used by school districts as specified in section 1011.62, Florida Statutes.”

3. Performance and Grandfather Salary Schedules

[2021-2022 Education Appropriations Implementing Bill, House Bill 5101, page 22]

"5. Performance salary schedule. ...

a. Base salary. — The base salary shall be established as 532 follows: 533

(II) ~~Beginning July 1, 2014,~~ Instructional personnel, or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator shall be placed on the performance salary schedule. Beginning July 1, 2021, and until such time as the minimum base salary as defined in s. 1011.62(16), equals or exceeds \$47,500, the annual increase to the minimum base salary shall not be less than 150 percent of the largest adjustment made to the salary of an employee on the grandfathered salary schedule. Thereafter, the annual increase to the minimum base salary shall not be less than 75 percent of the largest adjustment for an employee on the grandfathered salary schedule. ...

b. Salary adjustments. — Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

(III) ~~A~~ The performance salary schedule shall not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year."

Note: This bill amends *Section 1012.22(1)(c)(5) – Public school personnel; powers and duties of the district school board, Florida Statutes*, to read as above.

Section 1011.62(18) – Funds for the operation of schools

(18) TEACHER SALARY INCREASE ALLOCATION.—The Legislature may annually provide in the Florida Education Finance Program a teacher salary increase allocation to assist school districts in their recruitment and retention of classroom teachers and other instructional personnel. The amount of the allocation shall be specified in the General Appropriations Act.

(a) Each school district shall receive an allocation based on the school district's proportionate share of the base FEFP allocation. Each school district shall provide each charter school within its district its proportionate share calculated pursuant to s. 1002.33(17)(b).

(b) Allocation funds are restricted in use as follows:

1. Each school district and charter school shall use its share of the allocation to increase the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a), plus certified prekindergarten teachers funded in the Florida Education Finance Program, to at least \$47,500, or to the maximum amount achievable based on the allocation and as specified in the General Appropriations Act. The term “minimum base salary” means the lowest annual base salary reported on the salary schedule for a full-time classroom teacher. No full-time classroom teacher shall receive a salary less than the minimum base salary as adjusted by this subparagraph. This subparagraph does not apply to substitute teachers.

2. In addition, each school district shall use its share of the allocation to provide salary increases, as funding permits, for the following personnel:

a. Full-time classroom teachers, as defined in s. 1012.01(2)(a), plus certified prekindergarten teachers funded in the Florida Education Finance Program, who did not receive an increase or who received an increase of less than 2 percent under subparagraph 1. or as specified in the General Appropriations Act. This subparagraph does not apply to substitute teachers.

b. Other full-time instructional personnel as defined in s. 1012.01(2)(b)-(d).

3. A school district or charter school may use funds available after the requirements of subparagraph 1. are met to provide salary increases pursuant to subparagraph 2.

4. A school district or charter school shall maintain the minimum base salary achieved for classroom teachers provided under subparagraph 1. and may not reduce the salary increases provided under subparagraph 2. in any subsequent fiscal year, unless specifically authorized in the General Appropriations Act.

(c) Before distributing allocation funds received pursuant to paragraph (a), each school district and each charter school shall develop a salary distribution plan that clearly delineates the planned distribution of funds pursuant to paragraph (b) in accordance with modified salary schedules, as necessary, for the implementation of this subsection.

1. Each school district superintendent and each charter school administrator must submit its proposed salary distribution plan to the district school board or the charter school governing body, as appropriate, for approval.

2. Each school district shall submit the approved district salary distribution plan, along with the approved salary distribution plan for each charter school in the district, to the department by October 1 of each fiscal year.

(d) In a format specified by the department, provide as follows:

1. By December 1, each school district shall provide a preliminary report to the department that includes a detailed summary explaining the school district’s planned expenditure of the entire allocation for the district received pursuant to paragraph (a), the amount of the increase to the minimum base salary for classroom teachers pursuant to paragraph (b), and the school district’s salary schedule for the prior fiscal year and the fiscal year in which the base salary is increased. Each charter school governing board shall submit the information required under this subparagraph to the district school board for inclusion in the school district’s preliminary report to the department.

2. By February 1, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide report on the planned expenditure of the teacher

salary increase allocation, which includes the detailed summary provided by each school district and charter school.

3. By August 1, each school district shall provide a final report to the department with the information required in subparagraph 1. for the prior fiscal year. Each charter school governing board shall submit the information required under this subparagraph to the district school board for inclusion in the school district's final report to the department.

(e) Although district school boards and charter school governing boards are not precluded from bargaining over wages, the teacher salary increase allocation must be used solely to comply with the requirements of this section. A district school board or charter school governing board that is unable to meet the reporting requirements specified in paragraph (c) or paragraph (d) due to a collective bargaining impasse must provide written notification to the department or the district school board, as applicable, detailing the reasons for the impasse with a proposed timeline and details for a resolution.

(f) Notwithstanding any other provision of law, funds allocated under this subsection shall not be included in the calculated amount for any scholarship awarded under chapter 1002.

Note: This statute is still in effect and governs the **Teacher and Principal Bonus Appropriations Authorization**.