

# Leaders

A Newsletter for Florida School Board Members

## Teachers appeal performance pay

See *Five questions on performance pay*, Page 4

**D**espite a poor track record, the State Board of Education is pushing ahead with performance pay for teachers that will cover everyone, not just those who teach FCAT-tested subjects. But did the state board even have the authority to adopt such a rule? And if it did, were legal procedures followed? These are two of the charges that teachers have levied against the board in a rule challenge.

Even with the twice amended rule, the teacher performance pay issue could cause problems with school districts. The State Board in February adopted the new rules and they are scheduled to go into effect the next school year. The amended rule includes all teachers, requiring school districts by June 15 to develop assessment criteria, such as tests in subjects not covered by the FCAT.

The plan, called Effective Compensation or E-Comp, is to be implemented in every district during the upcoming 2006-07 school year. It requires districts to award bonuses of five percent or more to at least the top 10 percent of their teachers. That's about \$2,000 more for a teacher earning \$40,000 annually. Teachers who are in the top 10 percent one year

and remain in the top 25 percent statewide the next would again receive a bonus.

The rankings are to be based on how students perform on the FCAT, or special exams or measurements for classes and grades not covered by FCAT. Alternative assessment methods are also to be devised for special education teachers and others whose performance would be difficult to measure through a test.

"In my 30 years of working in education, this is the worst rule and the most unworkable concept I've ever seen," commented FSBA Executive Director Wayne Blanton.

Of immediate concern to school districts is the June 15 deadline (it was originally set for April 3) when districts must submit to DOE for approval its "instructional personnel assessment system" covering all teachers.

Dr. David Mosrie, CEO for the Florida Association of District School Superintendents, said that while the DOE made amendments to its original rule after superintendents "expressed concerns about certain parts of the rule. . .we still have major concerns."

Palm Beach County Superintendent Art Johnson told the state board that it had tried \$10,000 raises based on performance "with very little impact. The big issue is adequate funding."

A major issue for superintendents, said Dr. Mosrie, "is fairness. Everyone needs a fair chance to earn performance pay in their area. The second issue is school culture. What I mean by that is that schools, by nature, are nurturing institutions and teachers collaborate with each other. This rule could have a negative impact on this culture."

In other words, performance pay is based on competition. Teachers would be competing with each other for a limited amount of dollars, which could affect that cooperative culture prevalent in schools.

"No one has tried (performance pay) and made it work well," Dr. Mosrie added.

"Nobody outside of DOE is happy about this rule," said Mark Pudlow, spokesman for the Florida Education Association teachers union. "Our feeling is that for any kind of performance pay plan to work, you have to have input from all parties involved and it has to be adequately funded. This rule fails on all counts."

FEA and the Teachers Association of Lee County, have filed a rule challenge claiming the state board didn't have the authority to issue the rule.

"The main legal issue is whether the State Board or the DOE has been given the specific authority by the Legislature to craft this type of teacher assessment scheme based solely on FCAT scores and link those comparative FCAT score computations alone directly to the teacher pay decisions normally made at the school district level," said Tallahassee attorney Tony Demma, who represents the two unions.

Another cause for concern is that the rule the State Board adopted on Feb. 21 is not the rule that was initially advertised on Feb. 10. Instead, the State Board adopted last-minute, substantive amendments to the previously amended rule without having provided proper notice of the second set of amendments, said Mr. Demma.

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# Leadership Calling

## Lee County school named after former FSBA president

**F**ormer FSBA and NSBA President Rayma C. Page, who died in 2004 at the age of 72, had an elementary school named after her during dedication ceremonies last month in Lee County.

Mrs. Page was the first woman elected to the Lee County School Board. She served on the board for 18 years, being reelected four times. A native Floridian (she was born in Miami), Mrs. Page, during her Lee County School Board tenure, served as vice chair and then, for an unprecedented 10 years, as its chair.

Besides her service as FSBA's president and later as president of NSBA, she was also named by the *American School Board Journal* as one of nine of the most outstanding elected school board women in the country.

According to "A Tribute to Mrs. Rayma C. Page" that was distributed during the school dedication, Mrs. Page's philosophy was simple: "To appreciate the interplay and oversight built into the education system, you must understand the working of the system from the ground up."

According to a Ft. Myers newspaper, Mrs. Page's name was "synonymous with education for many in Lee County..."

FSBA Executive Director Wayne Blanton, speaking at the dedication, commented: "I know this will always be an A+ school, because Rayma Page was an A+ lady."

There were several other speakers, including incoming NSBA President Jane Gallucci, Pinellas County School Board, who praised Mrs. Page's leadership abilities.



Lee County School Supt. Dr. James Browder, right, directs the ribbon cutting of the Rayma C. Page Elementary School. From left are: Jeanne Dozier, Lee County School Board and FSBA vice president, Susan Caputo, principal; Ray V. Pottorf, former Lee County superintendent; Jane Gallucci, Pinellas County School Board, former FSBA president and incoming NSBA president; Dr. Wayne Blanton, FSBA executive director; and Dr. Elinor Scricca, Lee County School Board.

## Upcoming Events

April 8-11  
NSBA Annual Conference  
Chicago, Ill.

May 5  
Legislative Session Ends

June 14-16  
FSBA Annual Spring Conference,  
Grand Hyatt Tampa Bay, Tampa

July 26-29  
NSBA Southern Region  
(Hosted by Alabama), Sandestin, FL



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# FSBA's *Education Today* kicks off fifth year

**R**ep. Joe Pickens, R-Palatka, chairman of the House Education Appropriations Committee, was FSBA Executive Director Wayne Blanton's first guest as the *Education Today* television program began its fifth year of broadcasting March 10.

The popular program will continue each Friday at noon throughout the duration of the 2006 Legislative Session, which began March 7 and will conclude May 5. Co-host for the program is Amy Ausley and it is telecast statewide by the Florida Education Channel, a program initiative of the Panhandle Area Educational Consortium.

Rep. Pickens and Dr. Blanton wasted no time in diving into the meat of this year's session: Money, the A++ legislation, and the proposed class size reduction amendment. With a budget flush with surplus dollars (about \$5 billion), Rep. Pickens projected this would be another good year for education, in the range of 5% to 7% increases, similar to last year's hikes.

"In my 30 years, this has been the biggest surplus I can remember," said Dr. Blanton.

Because of soaring oil and gas prices, increasing transportation budgets, particularly for the rural counties, is also an important concern for Rep. Pickens' committee, he said.

Then, there's class size implementation. "The (dollar) numbers are huge," he added.

That's why many legislators are recommending a class size amendment that would give school districts more flexibility in how they must deal with class size, he said. The proposal would allow districts to comply with class size on a district-wide average, rather than a per classroom average, plus allow schools to exceed the class size by no more than five students.

Even if these changes passed, Florida "would still have the most, or second stringent class size requirement in the country," said Rep. Pickens.

*Education Today* can be seen on the Florida Education Channel 9418 (DISH Network 61.5), or state transponder 801.

Those with fast internet connec-



**Rep. Joe Pickens, left, co-host Amy Ausley, and Dr. Wayne Blanton prepare for the first *Education Today* program that aired March 10, four days after the Legislature began its 2006 session.**

tions (broadband) can also view the program on their computers at [www.fec.tv](http://www.fec.tv). Click on the TV. After the broadcast, the program is also archived at "Education Today," which is located under "Special Series" at the same web site.

The Florida Education Channel also

broadcasts over local cable channels in the following cities: Brighthouse Cable, Chipley and Graceville, Channel 12; MediaCom, Bonifay and Vernon, Channel 12; and Comcast, Marianna, Channel 62, Tallahassee, Channel 23, and other local channels throughout the state.

## Performance pay

*Continued from page 1*

He added, "Florida's rulemaking statutes are very concise with respect to the need for proper notice of proposed rules, and the DOE's after-the-fact approach in this instance did not meet those rigorous requirements."

Mr. Demma also called these proposed rule amendments "fatally vague in many respects. The proposals are vague as to how student achievement gains will be computed, how the DOE will analyze the comparative FCAT data, and even as to how teacher pay will be affected by the outcome."

Finally, he thinks the rule is "unlawfully arbitrary," particularly in the sense that it places an artificial limit on the percentage of teachers who can be deemed outstanding performers by their school districts based on the computed student performance gains. The proposed rule also says nothing about which teachers are to be compared to which other teachers in deciding whose performance has been outstanding. For example, will Math teachers' student FCAT score gains be compared to those of English teachers, and will comparisons be made of teachers at different grade levels? These and many other questions of this kind are simply not addressed at all in the proposed rule amendments, he added.

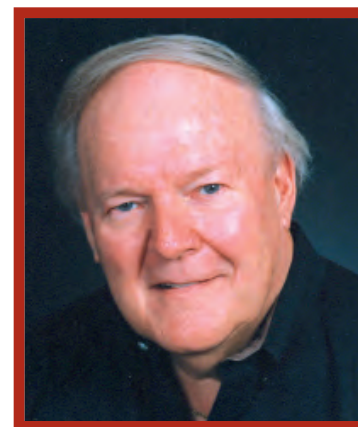
Regardless of the outcome of this rule challenge, however, other avenues of relief may be available.

"If this rule were to ever come into effect, constitutionally-based challenges to its substance may be appropriate," he said.

Adding more confusion to the issue is that the Legislature is considering A++ legislation which also covers performance (or differentiated) pay, but may differ from the rule the State Board adopted.

# From the President

By JACK LAMB



JACK LAMB

## Adequate federal funding, revised NCLB, key issues

**T**he Florida Legislature earlier this month began its annual 60-day stint in Tallahassee and while there are many critical state education issues facing us, we must not forget some of the crucial problems—such as adequate funding and revising NCLB—that abound in Washington, D.C.

I was reminded of that fact when I attended the National School Boards Association's Federal Relations Network Conference last month. More than 800 of my fellow school board members from around the country urged Congress for stronger support, primarily financially. I was extremely proud of the fact that Florida had so many attendees.

While many of our congressional representatives were attending the Coretta Scott King funeral, we did meet with their staffs. We urged them to increase federal funding for

public schools, make improvements to the No Child Left Behind law, and reject private school vouchers.

It was embarrassing that Florida seemed to be considered the "poster child" for vouchers. Ouch!

We called on Congress to live up to its promise to increase funding for programs for disadvantaged and disabled children. Congress has not stepped up to the plate on funding, so our local schools and taxpayers are shouldering this extra fiscal burden.

We also asked Congress to make the No Child Left Behind law more accurately reflect how schools are doing by expanding student progress measurements.

It is important for our community and our school children that Congress make public education a top priority in 2006. "We are the ones on the front line every day, and we understand firsthand what our public school children need to succeed," Hillsborough School Board member Susan Valdes, who attended the conference with me, commented.

I feel we did strengthen relationships with our congressional delegation. As to the conference itself, Andrea Messina, Charlotte County School Board member who is our federal relations chair, did a wonderful job with the Florida reception and debriefing.

In future years, I strongly encourage each county to send representatives to this NSBA-sponsored conference. There is definitely power in numbers. And when you do come next year, be sure to bring your business cards and leave them in all of the offices you visit. Our U.S. representatives and senators need to know that school board members are vitally interested and are watching what's going on in Washington.

Another reminder: Don't forget the April 8-11 NSBA Annual Conference in Chicago, Ill. I hope your board is planning on sending at least one representative, as we'll be celebrating the inauguration of one of our own as NSBA's new president. Jane Gallucci, Pinellas County School Board member and a former FSBA president, will be installed as the national organization's next leader. Florida has some special events planned to honor Ms. Gallucci, so I hope I'll see you in Chicago!

*Dr. Lamb, a member of the Hillsborough County School Board, is the 2005-2006 president of the Florida School Boards Association.*

### Five questions regarding teacher performance pay rule

Dr. Max Schmidt, executive director for the Florida School Labor Relations Service, which assists school boards in labor negotiations, asked the State Board of Education last month the following five questions regarding the teacher performance pay rule:

1. How can school board representatives and teacher bargaining representatives complete negotiations for 2006-07 or 2007-08?
2. What do you think the chances are for these same bargaining representatives to reach agreement on performance whereby 10% or the minority of the teachers benefit, while the majority do not benefit, and that same majority has to ratify the agreement?
3. What if the Legislature passes the A++ bill, which most people feel is a foregone conclusion, and these same bargaining representatives have to negotiate a differentiated pay schedule along with the performance pay plan?
4. What will be the impact on teacher recruitment and retention?
5. How fair is a system which does not include all instructional personnel from the beginning of implementation?

He received no answers.