

RESOLUTION 2025-0603

A RESOLUTION OF THE SCHOOL BOARD OF LEE COUNTY, FLORIDA, ESTABLISHING SALARY INCENTIVES FOR TEACHERS ASSIGNED TO SCHOOLS IDENTIFIED AS LOW-PERFORMING, HIGH-RISK, OR DESIGNATED FOR SUPPORT BY THE BUREAU OF SCHOOL IMPROVEMENT (BSI), PURSUANT TO STATE LAW; PROVIDING FOR A TARGETED COMPENSATION FRAMEWORK BASED ON AN EDUCATIONAL RISK RATING SYSTEM DEVELOPED IN PARTNERSHIP WITH THE TEACHERS' UNION; TO ATTRACT AND RETAIN HIGH-QUALITY TEACHERS IN THE DISTRICT'S MOST ACADEMICALLY CHALLENGED SCHOOLS AND IN CRITICAL SUBJECT AREAS; TO PROACTIVELY MITIGATE THE IMPACT OF AND PREVENT FUTURE EDUCATIONAL EMERGENCIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has developed a statewide educational accountability model described in Florida Administrative Code 6A-1.09981 that assesses school performance by administering state-required testing in Grades 3-10 in the subject areas of English Language Arts, Mathematics, Science, and Social Studies;

WHEREAS, the State of Florida Department of Education, pursuant to Fl. Stat. § 1012.07 and 6A-20.0131 F.A.C., has published annually a list of high demand teaching areas that represent "certification areas where larger than typical proportions of teachers who are not certified in the appropriate field are being hired to teach courses where significant vacancies exist and where postsecondary institutions do not produce enough graduates to meet the needs of Florida's K-12 student population";

WHEREAS, the State of Florida, pursuant to Fl. Stat. §1008.34(1)(a) has defined successful student performance as earning a level 3 or better on "statewide standardized assessment";

WHEREAS, the State of Florida, pursuant to Fl. Stat. §1001.42(21) has defined that an "Educational Emergency" exists in a school district if one or more schools in the district have a school grade of "D" or "F" and that such conditions do in fact exist in the School District of Lee County;

WHEREAS, the School District of Lee County has an interest in ensuring that high-quality teachers are supporting our lowest-achieving students and our lowest-performing, lowest-achieving schools;

WHEREAS, the School District of Lee County has developed an *Educational Risk Rating* in partnership with the Teachers Association of Lee County (TALC) to identify the schools that represent the lowest achievement and greatest educational risk within the state-defined educational accountability system to mitigate the "Educational Emergency";

WHEREAS, the State of Florida, pursuant to Fl. Stat. §1001.42(21)(a) has permitted school boards to "provide salary incentives that differentiate based on a teacher's

certification, subject area taught, or grade level taught” and that “such incentives are not subject to collective bargaining requirements”;

WHEREAS, the State of Florida, pursuant to Fl. Stat. §1001.42(21)(b) has permitted school boards to “adopt strategies to assign high-quality teachers more equitably across schools in the district to low-performing schools as a management right,” and that “such strategies are not subject to collective bargaining requirements”;

WHEREAS, the Florida Department of Education, through the Bureau of School Improvement (BSI), identifies and supports schools in need of intensive intervention based on academic performance indicators, including schools designated for Comprehensive Support and Improvement (CS&I) or Targeted Support and Improvement (TS&I), pursuant to federal and state accountability systems;

WHEREAS, Fl. Stat. § 1012.2315 provides the legal framework for school districts to offer additional incentives, including salary incentives, to attract and retain high-quality teachers in BSI schools, thereby addressing disparities in teacher assignments and improving educational outcomes in schools needing improvement. In addition, a district school board may not sign a collective bargaining agreement that precludes the school district from providing sufficient incentives to meet this requirement. Further, pursuant to the Statute, notwithstanding provisions of chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

WHEREAS, Rule 6A-1.099811(9)(b), F.A.C., provides that the Department may authorize salary incentives and other differentiated supports for instructional personnel assigned to Comprehensive Support and Improvement (CS&I) schools, recognizing the additional challenges and critical responsibilities of staff serving in such schools;

WHEREAS, teachers assigned to BSI/CS&I-designated schools serve in high-need environments and are critical to improving student achievement and overall school performance;

WHEREAS, pursuant to Fl. Stat. § 1012.22, and in connection with intervention and support strategies implemented under Section 1008.33 to address low student performance and improve academic outcomes and attendance, and as further reflected in the District’s Collective Bargaining Agreement (CBA) with TALC, dated June 4, 2024, Article 10.02(3)(a)(1), instructional staff assigned to schools that received a school grade of “D” or “F” (BSI and CS&I) in the prior school year are eligible for a \$4,000 Turnaround School Supplement in recognition of the heightened instructional demands and responsibilities required in those schools;

WHEREAS, Article 2.02 of the June 4, 2024, CBA between the School Board of Lee County and TALC affirms that the Board, Superintendent, and other administrative personnel retain all powers, rights, authority, duties, and responsibilities conferred by law,

including those related to compensation decisions, unless specifically limited by the Agreement;

WHEREAS, Article 10.03(d) of the June 4, 2024, CBA specifically acknowledges that recruitment of employees into critical shortage areas may necessitate the use of recruitment incentives, and affirms that such incentives for District employees will be determined annually by the District;

WHEREAS, the School Board of Lee County affirms its commitment and duty to support and retain high-quality teachers in its low-performing schools by providing enhanced compensation as permitted by Florida law and aligned with the state's accountability and school improvement priorities;

NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF LEE COUNTY, FLORIDA:

Section 1. Educational Emergency

The School Board of Lee County hereby acknowledges that an “Educational Emergency” currently exists within the District and recognizes its obligation to take immediate and strategic action to mitigate the impact of such emergency conditions and to prevent future reoccurrence.

Section 2. Authority for Salary Incentives and Teacher Assignments

Fl. Stat. §1001.42(21)(a), authorizes the School Board to provide salary incentives that differentiate based on a teacher’s certification, subject area taught, or grade level taught, and such incentives are not subject to collective bargaining requirements.

Fl. Stat. §1001.42(21)(b), further authorizes the School Board to adopt strategies to assign high-quality teachers more equitably across schools in the district, particularly to low-performing schools, as a management right, and such strategies are likewise not subject to collective bargaining requirements.

Fl. Stat. §1012.2315 authorizes the School Board to provide additional compensation and other incentives to attract and retain high-quality teachers in schools identified for improvement, including those supported by the Bureau of School Improvement (BSI), in order to promote equitable teacher distribution and strengthen instructional capacity in the state’s most academically challenged schools.

The School Board of Lee County will exercise its statutory authority under §1001.42(21)(a) and (b) as well as Fl. Stat. § 1012.2315 to implement differentiated salary incentives and strategic teacher assignments in order to address the existing “Educational Emergency” and promote equitable access to high-quality instruction in the District’s most academically at-risk schools.

Section 3. Collective Bargaining Agreement

The School Board of Lee County affirms its authority to establish salary incentives for instructional personnel assigned to schools of greatest academic need—including those designated as Turnaround Schools or identified through the Educational Risk Rating framework—in alignment with its management rights and the provisions of the Collective Bargaining Agreement.

Section 4. Implementation of Salary Incentive Structure for At-Risk Schools

Pursuant to Florida law, the School District of Lee County is implementing the following teacher salary incentives to reactively mitigate the current state of “Educational Emergency” and proactively address any “Educational Emergency” from future reoccurrence:

CRITERIA

Education Risk Rating	School Level Incentive	Critical Subject/Courses (see below ¹)	Complementary Subject/Courses (see below ²)	Total Incentive Range
Risk Level 4	\$2,500	\$6,500	\$2,500	\$2,500-\$9,000
Risk Level 3	\$2,000	\$4,500	\$1,500	\$2,000-\$6,500
Risk Level 2	\$1,000	\$2,500	\$500	\$1,000-\$3,500
Risk Level 1	N/A	\$1,000	N/A	\$0-\$1,000

School Level Incentives will be provided to school-based instructional and special instructional non-itinerant staff and prorated as such.

Critical and Complementary Subject/Course incentives above would be provided to the teacher of record based on a full-time teaching schedule of classes (i.e., 6 of 7 classes taught that meet the defined criteria, self-contained, or departmentalized classes) that fall within the defined critical subject and/or complementary identified courses. This will be defined by the eligibility criteria specified by the District’s prioritized courses based on the Florida Department of Education. A proportionate share of the salary incentive would be awarded based on the same proportion of the teaching schedule that falls within the defined critical subject and/or complementary subject course(s).

1. Critical Subject/Course has a direct attachment to the statewide educational accountability model with required annual testing in Grades 3-10 or are otherwise identified in the below critical subjects/courses chart based on high demand teaching areas that represent “certification areas where larger than typical proportions of teachers who are not certified in the appropriate field are being hired to teach courses where significant vacancies exist and where postsecondary institutions do not produce enough graduates to meet the needs of Florida’s K-12 student population.” (Florida Department of Education- Identification of High Demand Teacher Needs Areas for 2024-25)

2. Complementary Subject/Course has an indirect impact to the statewide educational accountability model with courses that are not a part of the required annual testing in Grades 3-10, but have a clear and convincing cumulative impact on the critical subjects/courses that are assessed as part of the statewide educational accountability model.

Critical Subject List	Complementary Subject List
<ul style="list-style-type: none"> • Grades 3–10 English Language Arts (ELA) and Reading Courses • Grades 3–8 Mathematics Courses • Algebra 1 Courses • Geometry Courses • Grade 5 Science • Grade 8 Science • Biology 1 Courses • Civics Courses • High School U.S. History Courses • ESE In-Person, Self-Contained Courses 	<ul style="list-style-type: none"> • Grades K-2 ELA, Mathematics, and Science Courses • Grades 3-4 Science Courses • Grades 6-12 Science Courses not listed above • Grades 6-12 Social Studies Courses not listed above • Grades 11-12 English Language Arts (ELA) and Reading Courses • Grades 9-12 Mathematics Courses not listed above • ESE Courses not previously listed
<p>*Please be advised that, at the sole discretion of Central District Administration, critical and complementary subject lists may be adjusted based on the needs of the District.</p>	

The schools are identified in Exhibit A

Section 5. Turnaround Incentives

In addition to the salary incentives aligned to the Educational Risk Rating system, the School Board of Lee County shall provide a \$4,000 annual salary incentive, in addition to the incentive provided by the state, to each teacher assigned to a BSI-designated school for the duration of the designation, in recognition of the additional demands and expectations placed on educators serving in those schools. The Florida Department of Education will formally identify the schools.

Section 6. Statutory References

All statutory references herein shall be to said statutes as they exist on the date of adoption of this Resolution and as they may be from time to time amended or renumbered, except to the extent that contractual commitments would preclude application of a subsequent statutory revision or repeal.

Section 7. Severability

It is declared to be the intent of the School Board that, if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 8. Conflict

Any resolution or part thereof in conflict with this Resolution or any part hereof is hereby repealed to the extent of the conflict.

Section 9. Effective Date

This Resolution shall become effective immediately upon its adoption by the School Board of Lee County, Florida, and will be implemented during, and remain in effect throughout the 2025-2026 school year.

Section 10. Ongoing Negotiations

This Resolution is statutorily distinct and separate from the ongoing negotiations with TALC.

Approved and Adopted by The School Board of Lee County, Florida, this 3rd day of June, 2025.

Sam Fisher
Chair

Denise M. Carlin, Ed.D.
Superintendent of Schools