

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA

CHRISTOPHER ALIANIELLO,
individually and on behalf of others
similarly situated,

Plaintiff,

v.

STATE OF FLORIDA, DEPARTMENT
OF EDUCATION,

Defendant.

CLASS REPRESENTATION

CASE NO.:

CLASS ACTION COMPLAINT AND PETITION FOR DECLARATORY RELIEF

Plaintiff, Christopher Alianiello, by his undersigned attorneys, individually and on behalf of all others similarly situated, alleges, with personal knowledge as to his own actions, and upon information and belief as to those others, as follows:

INTRODUCTION

Classroom teachers are critical to our educational development. The lessons we learn as children remain with us our entire lives. For many people, childhood teachers are essential to their educational and ultimately life success. The Florida Legislature said it best, “second only to parents, teachers play the most critical role within schools in preparing students to achieve a high level of academic performance.” FLA. STAT. § 1012.731(1) (2016). Understanding how important teachers are in developing Florida’s youth, the Florida Legislature enacted a bonus

program with the goal of encouraging highly-educated professionals to become Florida classroom teachers, while also rewarding Florida's "Best and Brightest" classroom teachers.

Annually, each school district reports to the State of Florida, Department of Education (the "DOE" or "Defendant"), how many classroom teachers are eligible for each of the statutory bonuses. Many of Florida's classroom teachers are eligible for more than one of the three statutory bonuses. The Florida Legislature allocates funds for the DOE to distribute to each school district, who in-turn distribute the bonuses to their hard-working classroom teachers.

The Best and Brightest statute is a direct and unambiguous law which mandates a specific bonus amount be paid to a qualifying teacher when the established criteria are met for two of the bonuses. Despite this plain language, the DOE violated the statute by impermissibly "authorizing" school districts to pay qualifying school teachers bonuses less than the amounts mandated by statute. As a result of the DOE's illegal acts, Florida's "Best and Brightest" classroom teachers have been and continue to be paid less than the statutory bonus amounts guaranteed under the statute.

NATURE OF THE ACTION

1. This is an action for class-wide damages exceeding fifteen thousand dollars (\$15,000.00), equitable relief, injunctive relief and declaratory relief to resolve a dispute arising from Defendant's failure to pay the statutorily mandated

bonus amounts to Plaintiff and the Class under the Florida Best and Brightest Teacher Scholarship Program, FLA. STAT. § 1012.731 (2017).

2. In July 2015, then Florida Governor, Rick Scott, signed into law the Florida Best and Brightest Teacher Scholarship Program (the “Program”). In the Program, the DOE offered to monetarily reward classroom teachers on an annual basis in exchange for their own educational achievements and also for the educational achievements of their students.

3. The Program, as amended in 2017, establishes three categorical bonuses. The first bonus category entitles classroom teachers who have achieved a composite score at or above the 80th percentile on either the SAT or ACT and who were evaluated as “highly effective” to a bonus of six thousand dollars (\$6,000). The second bonus category entitles classroom teachers who have been evaluated as “highly effective” in the school year immediately preceding to be awarded a bonus of one thousand two hundred dollars (\$1,200). The third bonus category entitles classroom teachers who have been evaluated as “effective” to a bonus of up to eight hundred dollars (\$800). Classroom teachers are eligible to receive more than one bonus (specifically the \$6,000 and \$1,200 bonus amounts) if they qualify for the different subsections.

4. Annually, each Florida school district submits to the DOE the number of classroom teachers within their school district who’ve applied and met the Program’s bonus criteria. The Florida Legislature then allocates funds to the DOE,

who then disburses such funds to each individual school district for their eligible classroom teachers.

5. The Program's language is clear, concise and unambiguous. The statute establishes the requirements which the teachers must meet, and the specific bonus amounts to be awarded to those who meet or exceed those requirements. It does not have any qualifying language or clauses in it which states the DOE or any school district can award and pay less than the Program's stated bonus amounts (other than the third bonus amount of *up to* \$800).

6. Contrary to the clear statutory language, the DOE has wrongfully and illegally "authorized" school districts to pay the "Best and Brightest" teachers in Florida less than the statutorily mandated bonus amounts.

JURISDICTION AND VENUE

7. Jurisdiction is conferred on this Court by Art. V, § 5(b), Fla. Const.: §26.012, Fla. Stat. (2018) (jurisdiction of Circuit Court); § 86.011, Fla. Stat. (2018) (declaratory relief).

8. Venue is properly laid in this Court as Defendant officially resides in Leon County. § 47.011, Fla. Stat. (2018).

PARTIES

9. Plaintiff, Christopher Alianiello, and other similarly situated teachers, are Florida classroom teachers within the meaning of §1012.01(2)(a). They are employees of the DOE and of their respective school districts. Plaintiff and the other similarly situated teachers are the classroom teachers who have been

previously rewarded or are designated to be rewarded by the Program and are the kind of classroom teachers that the Florida Legislature was trying to encourage to join/remain in the education profession through the Program.

10. The DOE is an administrative agency which is responsible for implementing Florida's education policies and programs within the directives of the Florida Legislature. The DOE is also responsible for creating a uniform, efficient, safe, secure and high quality system of free public schools for every child residing in Florida. Art. IX §1, Fla. Const. In particular, the DOE is charged with distributing the allocated funds designated by the Program to each Florida school district. The DOE's principal offices are located in Tallahassee, Florida.

STATEMENT OF THE FACTS

11. On March 26, 2015, during the Florida Legislature's regular session, members of the House Appropriations Committee introduced House Bill (HB) 5011 titled Best and Brightest Teacher Scholarship Program. The bill was designed to create a bonus for "teachers who have achieved high academic standards during their own education," following research linking "student outcomes to a teacher's own achievement." FL. H.R. 5011 (2015).

12. In order to be eligible for the bonus, the classroom teacher must have "scored at or above the 80th percentile on either the SAT or the ACT based upon the percentile ranks in effect when the teacher took the assessment and have been evaluated as highly effective pursuant to s. 1012.34." *Id.* New first-year teachers were exempt from the requirement of needing to receive a "highly effective" rating.

Instead, first-year classroom teachers would continue to be eligible as long as they were evaluated as “highly effective” in the following years. The DOE was responsible for distributing the funds to each school district based on the number of eligible teachers in the school district. The bill was set to take effect on July 1, 2015. *Id.*

13. The House Appropriations Committee voted in favor of HB 5011, 22 to 6. Despite its approval among the House Appropriations Committee members, HB 5011 died on a second calendar reading. There was another attempt to create the bonus program under HB 587, but it also failed.

14. Senator Gaetz drafted similar language into Senate Bill 948. However, like HB 5011 and HB 587, it died on the calendar.

15. As the regular session was coming to a close, the Florida House and Senate abruptly adjourned three days early because of a block over healthcare. The session ended with the Legislature failing to pass a budget. The Florida Legislature then agreed to return on June 1, 2015, for a special session for the purpose of passing a budget. On June 19, 2015, the budget was passed. The Best and Brightest bill language was included in the appropriations bill. The text Section 99A, *General Appropriations Act* (2015), reads as follows:

**99A SPECIAL CATEGORIES
GRANTS AND AIDS – THE FLORIDA BEST AND
BRIGHTEST TEACHER SCHOLARSHIP PROGRAM
FROM GENERAL REVNUUE FUND 44,022,483**

Funds in Specific Appropriation 99A are provided to implement Florida’s Best and Brightest Teacher Scholarship Program. The funds shall be used to award a maximum of 4,402 teachers with a \$10,000

scholarship based on high academic achievement on the SAT or ACT. To be eligible for a scholarship, a teacher must have scored at or above the 80th percentile on either the SAT or the ACT based upon the percentile ranks in effect when the teacher took the assessment and have been evaluated as highly effective pursuant to section 1012.34, Florida Statutes, or if the teacher is a first-year teacher who has not been evaluated pursuant to section 1012.34, Florida Statutes, must have scored at or above the 80th percentile on either the SAT or the ACT based upon the percentile ranks in effect when the teacher took the assessment. In order to demonstrate eligibility for an award, an eligible teacher must submit to the school district, no later than October 1, 2015, an official record of his or her SAT or ACT score demonstrating that the teacher scored at or above the 80th percentile based upon the percentile ranks in effect when the teacher took the assessment. By December 1, 2015, each school district, charter school governing board, and the Florida School for the Deaf and the Blind shall submit to the department the number of eligible teachers who qualify for the scholarship. By February 1, 2016, the department shall disburse scholarship funds to each school district for each eligible teacher to receive a scholarship. By April 1, 2016, each school district, charter school governing board, and Florida School for the Deaf and the Blind shall provide payment of the scholarship to each eligible teacher. If the number of eligible teachers exceeds the total the department shall prorate the per teacher scholarship amount.

16. On July 1, 2015, then Florida Governor, Rick Scott, signed into law the General Appropriation Act, which included the Best and Brightest Program provisions.

17. Following the Program being signed into law, the DOE began issuing instructions to all of the Florida school districts on how to interpret, apply and implement the Program. Directives included instructions on which individuals would be eligible. The DOE also stated that it would prorate the per-teacher bonus amount if the total amount of funds exceeded number of eligible teachers. *See* Exhibit A (DOE Memorandum dated July 27, 2015). Awards to each eligible

teacher were sent from the DOE to each school district before being passed onto the classroom teachers.

18. In the initial year of the Program, the 2015-2016 school year, five thousand, three hundred and thirty-two (5,332) classroom teachers received the bonus.¹ Each bonus was in the amount of eight thousand two hundred and fifty-six dollars and twenty-seven cents (\$8,256.27).² The amount paid was the total amount appropriated for the Program, forty-four million twenty-two thousand four hundred and eighty-three dollars (\$44,022,483), divided by the number of eligible recipients, five thousand three hundred and thirty-two (5,332).³ It is important to note the 2015 statute paid the bonuses out of a finite pool of appropriated funds (\$44,022,482) and the 2015 General Appropriations Act expressly allowed the bonus total to be pro-rated based on the total number of bonus eligible teachers.

19. During its second year in effect, the 2016-2017 school year, over seven thousand, two hundred (7,200) classroom teachers received the bonus.⁴ It was an increase of almost one thousand, eight hundred (1,800) classroom teachers from the year prior.⁵

20. In 2016 the Florida Legislature enacted a stand-alone statute for the Program, §1012.731, Florida Statutes (2016), which codified the Program as enacted

¹ Leslie Postal, *Florida touts 'Best and Brightest' bonuses as teacher recruitment tool*, Orlando Sentinel (Jun. 6, 2016, 11:25 AM), <http://www.orlandosentinel.com/news/education/os-florida-best-brightest-bonuses-teacher-recruitment-20160606-story.html>.

² *Id.*

³ *Id.*

⁴ Leslie Postal, *About 7,200 teachers win 'best and brightest' bonuses this year*, Orlando Sentinel (Jan. 6, 2017, 4:23 PM), <http://www.orlandosentinel.com/news/education/os-best-brightest-florida-teachers-bonuses-20170106-story.html>.

⁵ *Id.*

under the General Appropriations Act in 2015. This version of the law became effective July 1, 2016, and was in place until June 30, 2017.

21. In 2017, the Florida Legislature updated and expanded the Program. The Program's language became even more clear and direct. The new version also created additional categories of eligibility. Further, this new codified version specifically listed the eligibility guidelines along with their specific corresponding bonus amounts. It is noteworthy that this version of the Program and later versions of the Program were specific regarding the bonus amounts (i.e., "in the amount of \$6,000" or a bonus "of \$1,200"). FLA. STAT. § 1012.731(3)(a)-(3)(c)(1) (2017). Under only the eight hundred dollar (\$800) bonus amount the Florida Legislature included "if the number of eligible classroom teachers *under this subparagraph* exceeds the total allocation, the department [DOE] shall prorate the per-teacher scholarship amount." (emphasis added). *Id.* at (3)(c)(2). Notably, the Florida legislature expressly excluded this limitation to either of the other bonus categories for six thousand dollars (\$6,000) or one thousand two hundred dollars (\$1,200).

22. This version of Program became effective on July 1, 2017, and was also in effect for the 2018-2019 school year in all relevant respects. For the 2017-2018 and 2018-2019 school years, those versions of the Program listed specific bonus amounts based on categories, excluding any qualifiers or any other language that would authorize the DOE or individual school districts to not pay the specific amounts listed.

23. On January 19, 2018, the DOE issued a memorandum to school district finance officers. Notwithstanding the Program's unambiguous language establishing set bonus amounts, the DOE began authorizing each school district to, "subtract any employer portion of applicable payroll taxes and mandatory payroll expenses (the example includes a 6.2 percent Social Security tax and 1.45 percent Medicare tax, which is the school district's employer portion of payroll taxes). If necessary, other mandatory payroll related expenses such as Unemployment Compensation Insurance or Worker's Compensation Insurance that are normally paid by the school district, may also be included in this line item." Included in the memorandum was a chart breaking down each category of bonus amount and the amount of "Employer Payroll Taxes and Mandatory Payroll expenses." *See* Exhibit B (DOE Memorandum Dated January 19, 2018).

24. During its third year in effect, the 2017-2018 school year, over one hundred and sixty-three thousand five hundred (163,500) classroom teachers received at least one of the Program's bonuses.⁶

25. On March 28, 2018, Plaintiff received his bonus under the Program, but received less than the statutorily required amount.

26. Based on information and belief, each Florida school district followed the DOE's improper directives and paid less than the statutorily required bonuses in the Program. *See, e.g.,* Exhibits C & D (Information distributed to Florida classroom teachers in Orange and Brevard Counties regarding the Program for that

⁶ Leslie Postal, *More than 163,000 Florida Teachers win bonuses, "best and brightest" awards*, Orlando Sentinel (Feb. 16, 2018, 1:40 PM), <http://www.orlandosentinel.com/news/education/os-best-brightest-teacher-bonuses-principals-20180216-story.html>.

school year). The DOE's wrongful authorizations caused Florida's "Best and Brightest" classroom teachers to not receive their full and guaranteed statutory bonus despite their successful performance of all statutory requirements. Such actions not only go against the specific language of the Program, but also the spirit of the legislation.

27. During its fourth year in effect, the 2018-2019 school year, over one hundred and seventy-one thousand (171,000) classroom teachers received at least one of the Program's bonuses,⁷ all of which did not receive the full amount that they were entitled to under Florida law for the same reasons as listed above.

28. On March 1, 2019, the DOE sent out another memorandum to all the Florida school district superintendents. Once again, contrary to the language of the Program, the DOE reiterated to every Florida school district their unsupported "authorization" to pay less than the statutorily required bonuses. In the memorandum the DOE stated "each [school] district may subtract any employer portion of applicable payroll taxes and mandatory payroll expenses to determine the gross amount that will be paid to each teacher." The DOE further added "if necessary, other mandatory payroll related expenses such as Unemployment Compensation Insurance or Worker's Compensation Insurance that are normally paid by the [school] district, may also be included in this line item." *See Exhibit E.* (DOE Memorandum Dated March 1, 2019).

⁷ Leslie Postal, *More than 11,200 Florida teachers earn top 'best and brightest' bonuses as state looks to revamp program*, Orlando Sentinel (Mar. 6, 2019, 7:20 AM), <http://www.orlandosentinel.com/news/education/os-ne-best-brightest-winners-20190306-story.html>.

29. On March 20, 2019, Plaintiff received his bonus under the Program, but, again, received less than the statutorily required amount.

30. Plaintiff now brings this lawsuit individually and on behalf of others similarly situated, for damages, equitable relief, injunctive relief and declaratory relief to resolve a dispute arising from Defendant's failure to pay the statutory bonus amounts to Plaintiff and the Class under the Florida Best and Brightest Teacher Scholarship Program, FLA. STAT. § 1012.731.

CLASS REPRESENTATION ALLEGATIONS

31. This action is maintainable as a class action pursuant to Florida Rules of Civil Procedure Rule 1.220, (b)(1)-(3).

32. The Class is intended to include and defined as "all classroom teachers employed by Defendant in Florida during the 2017-2018 and 2018-2019 school years who received bonuses under the Program, specifically those enumerated in Fla. Stat. § 1012.731(3)(a) and (3)(c)(1), but received less than the statutory listed amounts."

33. The Class is so numerous that joinder of all members is impracticable. The number and identity of class members may be determined by Defendant's records, but the class size easily exceeds ten thousand people.

34. There are substantial questions of fact and law common to Plaintiff and all class members, including, *inter alia*, whether the Defendant's failure to pay the full statutorily required bonus amounts under the Program violates Florida law.

35. The claims of Plaintiff are typical of the Class as his claim is the exact claim that other members of the Class have because Plaintiff was eligible for the same bonuses of six thousand dollars (\$6,000) and one thousand two hundred dollars (\$1,200) at issue, but was not paid those amounts.

36. Plaintiff will fairly and adequately protect the interests of the Class. His claims span the breadth of issues raised in this action, he was to be paid both bonuses of six thousand dollars (\$6,000) and one thousand two hundred dollars (\$1,200), but was not paid those amounts, and is filing this action to help all affected class members' recover the remaining statutory bonuses not paid to them as well.

37. Class representative's counsel are appropriately qualified to represent the Class in that they are experienced in class action litigation and have sufficient resources to pursue a case of this magnitude.

38. Joinder of Class members' individual actions is impractical because of the limited ability of individual class members to institute separate suits and the general nature of the underlying action and relief sought.

39. The prosecution of separate actions by individual class members would create a risk of inconsistent results that could establish incompatible standards of conduct for Defendant.

40. Defendant has acted and refused to act on grounds generally applicable to the Class, making appropriate final injunctive relief with respect to the Class as a whole.

41. Defendant's liability for damages can be established by facts and circumstances common to the Class as a whole and does not require the examination of the Plaintiff's individual circumstances.

42. Questions of law and fact common to members of the Class predominate over any questions affecting only individual members.

43. A class action is superior in this case to other methods for a fair and efficient adjudication of the controversy because: (A) the common interests of the class members predominate over any individual interest in controlling prosecution or control of separate actions; (B) no similar litigation between the parties concerning the controversy is known to have been commenced by members of the Class; (C) concentrating litigation of this action in this Court is appropriate to ensure appropriate, consistent, and efficient resolution of the issues raised in the state where the offending conduct occurred, continues to occur, and could occur in the future; and (D) there will be no significant difficulties in managing an action involving this Class.

FIRST CLAIM OF RELIEF

Violation of the Florida Best and Brightest Teacher Scholarship Program,

§1012.731

44. Plaintiff and Class members' reassert their allegations set forth in Paragraphs (1) through (43) above and incorporate them by reference into this First Claim of Relief.

45. As explained above, through the Program, Defendant agreed and was required to pay Plaintiff along with each Class member a specific bonus amount if Plaintiff and Class members met certain eligibility requirements defined in the Program. Classroom teachers around the State of Florida as well as educated professionals entering the education field relied on the Program's promise of such bonuses in performing their duties at a high-level, in deciding whether to remain a Florida classroom teacher year-to-year and in deciding whether to initially become a Florida classroom teacher altogether.

46. Notwithstanding this statutory mandate, Defendant "authorized" each Florida school district to pay less than what Plaintiff and the Class are entitled to under Fla. Stat. §1012.731. As a result, Plaintiff and the Class received less in bonuses than what they were entitled under the Program.

47. Plaintiff and each Class member who received a lower bonus amount than the statutory required bonuses have been damaged in the loss of the difference between the full and complete bonus amounts defined by statute and what was actually paid to them.

48. Plaintiff and the Class are entitled to recovery of the difference between the full amount of bonuses owed versus what was paid, prejudgment interest, post-judgment interest, costs and any other relief which this court deems just and proper and authorized by Florida law.

SECOND CLAIM FOR RELIEF

Declaratory Judgment, Fla. Stat. § 86.021

49. Plaintiff and Class Members reassert their allegations set forth in Paragraphs (1) through (43) above and incorporate them by reference into this Second Claim of Relief.

50. The Program requires Defendant to annually distribute funds for the payment of specific bonuses to classroom teachers employed by Defendant who met the eligibility requirements under the Program.

51. The Florida Legislature allocates funds to the DOE. The DOE, in contravention to the plain language of the Program, began “authorizing” each Florida school district to pay less than the statutorily required bonus amounts in the Program. *See Exhibits C, D & E.* As a result, each rewarded classroom teacher was not paid the full and complete bonus they were entitled to under the Program.

52. Defendant has continued this practice and the same result occurred in the 2018-2019 school year and is anticipated to occur in the 2019-2020 school year.

53. Because of Defendant’s blatant and willful violation of Florida law, Plaintiff and the Class have an actual, practical and present need for a declaratory judgment related to their rights under Florida law and the Program.

54. Under Fla. Stat. § 86.021, Plaintiff and the Class respectfully request a declaratory judgment declaring that Defendant’s practice of “authorizing” each Florida school district to pay Plaintiff and the Class less than what is statutorily required in the Program violates Florida law.

DEMAND FOR JURY TRIAL

55. Plaintiff, on behalf of himself and all others similarly situated, demands a trial by Jury of any and all issues in this action so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows:

(a) That this Court order Defendant to pay the full Program bonus amounts dictated by law and award Plaintiff and all class members any difference between the amounts paid to them and the full and complete bonus amounts they are entitled to under the Program, including costs, pre-judgment and post-judgment interest;

(b) That this Court enjoin Defendant from “authorizing” each Florida school district that they may pay less than the Program’s required bonus amounts;

(c) That this Court declare that Defendant’s actions authorizing each Florida school district to pay less than the Program’s required bonus amounts violates Florida law; and

(d) That this Court should grant such additional relief as the Court deems just and proper.

Dated: July 16, 2019

Respectfully submitted,

/s/ C. Ryan Morgan
C. RYAN MORGAN, ESQ.
Florida Bar No.: 0015527
Morgan & Morgan, P.A.
GREGORY R. SCHMITZ, ESQ.

Florida Bar No.: 0094694
RYAN D. NASO, ESQ.
Florida Bar No.: 1010800
20 North Orange Avenue, Suite 1600
Orlando, Florida 32801
Telephone: (407) 418-2069
Facsimile: (407) 245-3401
E-mail: rmorgan@forthepeople.com
gschmitz@forthepeople.com
rnaso@forthepeople.com
mbarreiro@forthepeople.com
csilva@forthepeople.com
iortiz@forthepeople.com
sclark@forthepeople.com
compliancewatch@forthepeople.com

Attorneys for Plaintiffs

EXHIBIT "A"



State Board of Education

Marva Johnson, *Chair*
John R. Padget, *Vice Chair*
Members
Gary Chartrand
John A. Colón
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck

Pam Stewart
Commissioner of Education

MEMORANDUM

TO: School District Superintendents

FROM: Hershel Lyons

DATE: July 27, 2015

SUBJECT: Guidance on Best and Brightest Teacher Scholarship

As you know, the Florida Legislature established Florida's Best and Brightest Teacher Scholarship Program to reward Florida's teachers who have been evaluated as highly effective and who have earned college entrance exam scores that indicate they were exceptionally well prepared for college level coursework. The following link provides the details that are outlined in the General Appropriations Act ([Ch. 2015-232, Laws of Florida, p.27, SB 2500-A, Item 99A](#)).

In accordance with the requirements of the Best and Brightest Teacher Scholarship Program, each school district will be responsible for collecting the required documentation from teachers and providing a list to the Department of Education (department). This communication provides information about this scholarship and answers questions the department has received in recent weeks.

Instructions for School Districts, Charter School Governing Boards, Florida School for the Deaf and Blind and Teachers

- Teachers eligible for the Best and Brightest Teachers Scholarship Program are classroom teachers as defined in s. 1012.01(2)(a), F.S., who are employed by Florida school districts, charter schools, or the FSDB.
- To be eligible, a teacher must:
 - Have received an evaluation of highly effective on their most recent evaluation available on October 1. This would include a teacher's 2014-15 evaluation, or, if not available, the teacher's most recent evaluation may be used; and
 - Submit to their school district, charter school governing board or FSDB by October 1 official ACT or SAT documentation either that their score on

Contact Information:

Crystal Spikes
850-245-0435
Crystal.Spikes@fldoe.org
DPS: 2015-116

the ACT was at or above the 80th percentile based on the rank in effect when the assessment was taken or that their scores on the SAT were at or above the 80th percentile based on the rank in effect when the assessment was taken.

- First year teachers who have not been evaluated must submit to their school district, charter school governing board or FSDB by October 1 official ACT or SAT documentation either that their score on the ACT was at or above the 80th percentile based on the rank in effect when the assessment was taken or that their scores on the SAT were at or above the 80th percentile based on the rank in effect when the assessment was taken.
- Teachers rated highly effective may retake the ACT or SAT in order to earn the scholarship; however, the requisite documentation that they have met the current 80th percentile ranking must be submitted to the district by the October 1 deadline.
- School districts, charter school governing boards and the FSDB are responsible for collecting each teacher's eligibility information and determining eligibility for the awards. If requested, the department can provide a template that may be used in coordinating the Best and Brightest Teacher Scholarship at the local level.
- Each district, charter school and FSDB must submit to the department by December 1, 2015, the complete list of teachers who qualify for this award. The department will provide a template districts may use to submit the list of eligible teachers.

Additional Information

- Teachers must have a composite score on the ACT that is at or above the 80th percentile or must have both a Critical Reading and Mathematics score on the SAT at or above the 80th percentile.
- All payments to teachers from this program are subject to payroll and income tax withholding.
- Based on information provided by school districts, the department will provide a total award to each district, charter school and to FSDB according to the number of eligible teachers submitted. If the number of eligible teachers statewide exceeds the total amount of the legislative appropriation, the department shall prorate the per teacher scholarship amount. This award will be paid by the department to districts and FSDB by February 1, 2016.
- Eligible teachers must receive their scholarship by April 1, 2016.

HL/cag

EXHIBIT "B"



Marva Johnson, *Chair*
Andy Tuck, *Vice Chair*
Members
Gary Chartrand
Ben Gibson
Tom Grady
Michael Olenick
Joe York

MEMORANDUM

TO: School District Finance Officers

FROM: Linda Champion

DATE: January 19, 2018

SUBJECT: Best and Brightest Teacher Scholarship and Best and Brightest Principal Scholarship Programs

As indicated in the Request for Application (RFA) document emailed on January 5, 2018, attached are the district allocations for the Best and Brightest Teacher Scholarship and Best and Brightest Principal Scholarship Programs.

The allocation table indicates the amount each district will receive per eligible teacher in each funding category. From this amount, the district may subtract any employer portion of applicable payroll taxes and mandatory payroll expenses to determine the gross amount that will be paid to each teacher and principal, as shown in the Budget Narrative Form below displaying employer payroll taxes and mandatory payroll expenses (the example includes a 6.2 percent Social Security tax and 1.45 percent Medicare tax, which is the district's employer portion of payroll taxes). If necessary, other mandatory payroll related expenses such as Unemployment Compensation Insurance or Worker's Compensation Insurance that are normally paid by the district, may also be included in this line item.

**FLORIDA DEPARTMENT OF EDUCATION
BUDGET NARRATIVE FORM**

(1) FUNCTION	(2) OBJECT	(3) ACCOUNT TITLE AND NARRATIVE	(4) FTE	(5) AMOUNT
5000	100	Best and Brightest Scholarships (# <u>1</u> x \$6,000 per Eligible Teacher)	N/A	\$ 5,573.62
5000	200	Employer Payroll Taxes and Mandatory Payroll Expenses	N/A	\$ 426.38
5000	100	Best and Brightest Scholarships (# <u>1</u> x \$1,200 per Eligible Teacher)	N/A	\$ 1,114.72
5000	200	Employer Payroll Taxes and Mandatory Payroll Expenses	N/A	\$ 85.28
5000	100	Best and Brightest Scholarships (# <u>1</u> x \$800 per Eligible Teacher)	N/A	\$ 743.15

Linda Champion
Deputy Commissioner, Finance and Operations

5000	200	Employer Payroll Taxes and Mandatory Payroll Expenses	N/A	\$ 56.85
5000	100	Best and Brightest Scholarships (# 1 x \$5,000 per Eligible Principal)	N/A	\$ 4,644.68
5000	200	Employer Payroll Taxes and Mandatory Payroll Expenses	N/A	\$ 355.32
5000	100	Best and Brightest Scholarships (# 1 x \$4,000 per Eligible Principal)	N/A	\$ 3,715.75
5000	200	Employer Payroll Taxes and Mandatory Payroll Expenses	N/A	\$ 284.25
(C) TOTAL				\$17,000.00

Total employer payroll taxes and mandatory expenses may vary from district to district, so please consult your payroll department to get these figures. Keep in mind that the total for the project must match the total allocation provided on the allocation table for your district.

Budget narratives should indicate the quantity of teachers for each funding category, followed by the associated benefits. It is not necessary to break out function/object code for each category of scholarship recipient.

This one-time payment should be treated as a salary bonus payment; therefore, Florida Retirement Service contributions cannot be deducted from the employee or paid by the district from this award.

LC/mp

Attachments

cc: School District Best and Brightest Coordinators

EXHIBIT "C"

SPECIAL POINTS OF INTEREST:

- Florida Best & Brightest Scholarship Program
- Cut-off Dates
- Tax Scams

INSIDE THIS ISSUE:

- Spring Break Procedures 2
- Cut-off Dates 2
- Tax Scams 2
- Payroll Contact Information 3

Payroll Services will be Closed During Spring Break



Payroll Services will be closed during Spring Break from March 18, 2019 - March 22, 2019. All income verifications received during this week will be processed on a first-come, first-serve basis beginning on Monday, March 25, 2019.

If there is an extreme emergency, you can send an email to: PayrollEmergency@ocps.net during Spring Break. All other questions, must be sent to the payroll preparer at your worksite. Off-cycle check requests must be

equivalent to 3 full working days and will not be issued for overtime, multiple positions, supplements, or account pays. All other emails and voicemails will be returned on Monday, March 25, 2019.

Florida Best & Brightest Scholarship Program

Classroom teachers who have demonstrated a high level of academic achievement and achieved high academic standards during their own education have been recognized by the Florida Department of Education as Florida's best and brightest teacher scholars.

The Best and Brightest bonus is scheduled to pay on the checks dated March 20, 2019 (eligible classroom teachers) and March 27, 2019 (eligible school principals).

Each scholarship has its own eligibility requirements.

For eligibility information and payment amounts visit Florida Statute [1012.731](#) and [1012.732](#).

The state has awarded each district an amount based on total eligibility. The DOE has authorized each District to deduct applicable employer payroll taxes (7.65% for FICA and Medicare) before determining the gross amount to be paid to each teacher. Refer to the example below, based on an award amount of \$1,200.00:

SUMMARY OF EARNINGS AND DEDUCTIONS		DETAILS OF DEDUCTIONS		
REGULAR EARNINGS	THIS CHECK	CALENDAR YTD	THIS CHECK	CALENDAR YTD
Base & Supplement	1,200.00		Union Dues	1.00
TOTAL GROSS	1,200.00		Employer's Share - State	14.00
TOTAL DEDUCTIONS	239.75	10,419.75	CONTRIBUTION - FICA - State	90.70
TOTAL NET PAY	960.25		CONTRIBUTION - FICA - Local	95.70
FICA - Social Security Tax	72.00	683.72	TOTAL	271.40
FICA - Medicare Tax	16.75	156.23		
Other Deductions - Health	151.00	3,447.72		
Net Pay	960.25	5,837.25		

In addition, each bonus is taxed at a federal withholding rate of 22% per IRS guidelines.

W-2 Online Election

If you haven't already done so, you can elect to receive future W-2 forms online and will be able to access them on [myOCPS](#) instead of receiving them in the mail. This functionality requires your consent, and will only be available online if you elect to receive the form online. The links to elect the online W-2 and training documentation can be found on [myOCPS](#).

Be advised that W-2 reprints now cost \$5.00 a form.

A W-2 reprint can be requested by completing a [Duplicate W-2 request form](#) located on the Payroll Services website.

For more information, logon to [myOCPS](#) and click Employee Self-Service and the Payment tab. All training material is located under the OCPS Payment Help section. If you have any questions or experience problems, please contact Payroll Services at 407-317-3260.

EXHIBIT “D”

Florida's 2018-19 Best and Brightest Scholarship Program Bonus

1. What are the awards for this 2018-19 school year?

Category	Requirement	Award Amount
1	2017-18 Effective Classroom Teacher	Up to \$800
2	2017-18 Highly Effective Classroom Teacher	\$1,200
3	2018-19 New (to teaching profession) Classroom Teacher with at least 80% national percentile score from SAT/ACT at time test was taken	\$6,000
4	2017-18 Highly Effective Classroom Teacher with at least 80% national percentile score from SAT/ACT at time test was taken	\$6,000 + \$1,200

The Florida Department of Education has clarified eligibility criteria such that teachers who may apply for the award are defined under F.S. 1012(2)(a): Classroom teachers.

The gross amounts paid to employees are less BPS' portion of FICA. From that, the employee must also pay federal taxes.

2. What do I have to submit to qualify?

Category	2017-18 Location	Required Document(s)	Send to	Submittal Deadline
1	BPS	Nothing - Your 17-18 final evaluation will be on file.	N/A	N/A
	Other FL County	Copy of your 17-18 Classroom Teacher final evaluation document clearly showing Effective rating	Best and Brightest via courier or US mail	11/1/2018
2	BPS	Nothing - Your 17-18 final evaluation will be on file.	N/A	N/A
	Other FL County	Copy of your 17-18 Classroom Teacher final evaluation document clearly showing Highly Effective rating	Best and Brightest via courier or US mail	11/1/2018
3	New to Teaching	Application & Original SAT/ACT Score Document clearly showing 80th percentile score	Best and Brightest via courier or US mail	11/1/2018
4	BPS	Application & Original SAT/ACT Score Document clearly showing 80th percentile score	Best and Brightest via courier or US mail	11/1/2018
	Other FL County	Application & Original SAT/ACT Score Document clearly showing 80th percentile score Application & Copy of your 17-18 Classroom Teacher final evaluation document clearly showing Highly	Best and Brightest via courier or US mail	11/1/2018

Florida's 2018-19 Best and Brightest Scholarship Program Bonus

If you were a previous BPS Best and Brightest recipient for the scholarship in 15-16, 16-17, and/or 17-18, you must re-apply by submitting an application.

3. What must I do?

- Provide BPS with an official record clearly showing your eligible SAT/ACT score. Acceptable score sources are official College or High School transcripts, as well as SAT scores from College Board and ACT scores from ACT. Residual ACT scores (not nationally ranked) will NOT be acceptable (this means ACT will not have your score on file).
- Complete the application along with the required document and submit the application via courier to Best and Brightest.

If you worked as a Classroom Teacher and received a Final Summative Evaluation rating from BPS in 2017- 18, then BPS will have your evaluation on file; you do not need to submit any evaluation data.

However, if you worked at another Florida School District or Charter School as a Classroom Teacher in 2017-18, then you must provide BPS with an official evaluation document that shows your final rating as "Highly Effective" as a classroom teacher.

It is the responsibility of each applicant to obtain, complete and submit all pertinent documentation on time (no later than November 1, 2018).

4. What teachers are eligible to receive the FL Best and Brightest Teacher Scholarship Program Bonus? Classroom Teachers, as defined in s.1012.01(2)(a) F.S.:

Classroom teachers.—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.

Guidance Counselors, Resource Teachers, Media Specialists, Social Workers, School Psychologists, Adjunct Teachers **are NOT eligible**, per the law's definition:

b) Student personnel services.—Student personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are certified school counselors, social workers, career specialists, and school psychologists.

(c) Librarians/media specialists.—Librarians/media specialists are staff members responsible for providing school library media services. These employees are responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems; facilitating access to information resources beyond the school; working with teachers to make resources available in the instructional programs; assisting teachers and students in media productions; and instructing students in the location and use of information resources.

Florida's 2018-19 Best and Brightest Scholarship Program Bonus

(d) Other instructional staff.—Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators certified pursuant to s. 1012.57, and similar positions.

5. **In what year must I have received a Final Summative Evaluation (Instructional Practice + Student Growth) rating of Highly Effective? Where do I find out my 2017-18 evaluation score and rating category?**

2017-18

No other evaluation year will count towards this bonus opportunity. You may contact your 2017-18 School Administrators regarding your 17-18 evaluation. Remember, at this time (August 2018), 17-18 BPS evaluations have not yet been finalized; only the Instructional Practice ratings are available. Evaluations are anticipated to be finalized prior to the November 1, 2018 submittal deadline. **Please DO NOT WAIT to submit an official SAT/ACT score document by November 1, 2018 for any reason.**

6. **Can my SAT/ACT submittal be retroactive to previous years?**

No. Each year is separate. Tests submitted this school year apply for the 2018-19 program, payable in March 2019.

7. **What if I am a new Classroom Teacher with no prior evaluation rating?**

First year Classroom Teachers (with no prior teaching experience) are eligible if they submit a qualifying SAT or ACT percentile score on an official SAT/ACT score document.

8. **What if I was in an Instructional position in FL more than a year ago, but am returning to BPS in 18-19 as a Classroom Teacher? Am I eligible?**

No. First year Classroom teaching means that until 18-19 (or 17-18 as temporary contract), you never served in an Instructional role at any FL Public/Charter school.

9. **ACT – What score do I need to qualify?** You need a composite score that was at or above the National 80th percentile in the year you took the exam. Residual ACT scores will not be accepted. You are responsible for retrieving your score and submitting it to the District; BPS cannot assist you with this. To obtain your score, please call 319-337-1270 or go to:

<http://www.actstudent.org/scores/send/>

SAT – What score do I need to qualify? You need scores that were at or above the National 80th percentile in both Critical Reading and Mathematics (or composite score of the two) in the year you took the exam. You are responsible for retrieving your score and submitting it

Florida's 2018-19 Best and Brightest Scholarship Program Bonus

to the District; BPS cannot assist you with this. To obtain your score, please call 866-756-7346 or go to:

<https://sat.collegeboard.org/scores/send-old-sat-scores>

10. I took the ACT and/or SAT prior to the 80th percentile score listed. What year should be used to measure the National 80th percentile?

Use the earliest year that provides the National 80th percentile score (ACT = 1966-1968; SAT = Prior to October 1973)

11. Submittals to BPS:

What?

Official (original) ACT/SAT official score document that shows your score was at or above the National 80th percentile based on the rank in effect when the assessment was taken. Not all score documents will have the corresponding percentile for the year taken, but College Board and ACT provide the cut off scores for those years.

If new to BPS this year – Copy of your 2017-18 final evaluation as a Classroom Teacher

How?

Via courier to Best and Brightest

When?

No later than NOVEMBER 1, 2018

There will be no exceptions to the deadline of November 1, 2018 for any reason. BPS is not responsible for any delay encountered. Per law, all submissions must be received by Districts no later than November 1, 2018.

12. When will this one-time bonus be paid?

No later than April 1, 2019

13. What are acceptable SAT/ACT score documents to submit?

Applicants may submit opened score sheets from SAT/ACT. Copies of score sheets and/or College or High School transcripts are NOT acceptable.

14. My name has changed since I took the test. Do I need to submit identification documents?

No. Please just provide your BPS Personnel ID Number. The District will verify your identification and eligibility utilizing your Employee ID Number.

15. Must I be an active employee at BPS at the time of payout?*

Florida's 2018-19 Best and Brightest Scholarship Program Bonus

No. However, you must be actively employed with BPS at the time of the State submittal deadline (December 1, 2018). This includes all approved leaves of absence (FMLA).

*** If you terminate employment from BPS after December 1, 2018 and before March 20, 2019, for any reason, then you may cancel your eligibility. ONLY those who are no longer actively employed by BPS between those dates YET work in another FL public school or FL charter school as a classroom teacher would still remain eligible for payout. However, it is the responsibility of that person to inform BPS, no later than April 1, 2019, of the change and update his/her address.**

16. A friend was a classroom teacher in 2017-18 and received a "Highly Effective" but is now retired. Is s/he eligible?

No. S/he must be actively employed with BPS by December 1, 2018.

17. I was a classroom teacher in 2017-18 and received a "Highly Effective" but I am now in a non-classroom/administrative/classified position. Am I eligible?

Yes. The only change to the program this year was the requirement of classroom teacher for the 2017-18 school year only.

18. I was a Resource Teacher (Non-Classroom) last year (17-18), but was transferred to a Classroom Teacher this year (18-19). Do I qualify?

No. You must have been a Classroom Teacher last year (17-18) and received an evaluation as such.

19. I was a Classroom Teacher in another FL County in 17-18. I am a new BPS Classroom Teacher in 18-19. Am I eligible?

If you worked in another FL Public School District or FL Charter School last year, then you must provide BPS with an official evaluation document that shows your 2017-18 final evaluation rating as Highly Effective or Effective. This document, along with the eligible test score document, if applicable, must be submitted no later than November 1, 2018.

20. I was assigned to teach a class last year (17-18) on a temporary basis for less than a school year. Am I eligible for this bonus?

No. The intent of the Best and Brightest bonus was to award Classroom Teachers who were assigned students and taught classes for the entire school year.

21. Will I receive the full bonus amount as listed? Will I be taxed on this bonus?

No. BPS must withhold the employer's share of FICA taxes which will lower the amount of the bonus by approximately 7.65%. The FLDOE, district(s) and media often just report the gross amount listed in the law prior to any taxes or withholdings. All payments to teachers from this program are subject to all payroll and income tax withholdings.

Florida's 2018-19 Best and Brightest Scholarship Program Bonus

22. I submitted everything. What next?

Due to the large number of submissions, it will take time to review and confirm eligibility. Therefore, please do not contact Human Resources regarding the status. After the review process is complete, we will inform applicants of the District's final decision. The State deadline for Districts to submit their lists of eligible Teachers is December 1, 2018. We must comply with that deadline.

23. How do I know I will receive the bonus?

If you submitted all of the required documents and the District has verified your information, your eligibility will be placed on the list that we will send to the State no later than December 1, 2018.

*** If you terminate employment from BPS after December 1, 2018 and before March 20, 2019, for any reason, then you may cancel your eligibility. ONLY those who are no longer actively employed by BPS between those dates YET work in another FL public school or FL charter school as a classroom teacher would still remain eligible for payout. However, it is the responsibility of that person to inform BPS of the change and update his/her address.**

24. Can I retake the SAT/ACT in order to try to reach the 80th percentile score?

Yes. However, a copy of the official score document clearly showing at least the national 80th percentile score must be submitted no later than November 1, 2018.

25. I work at a Charter school. How do I apply for the scholarship award?

Please contact your Charter School Administration for further information. The language in the State Appropriations Bill that speaks to this scholarship notes that "Charter School Governing Boards" must submit data for their Charter School.

EXHIBIT "E"



State Board of Education

Marva Johnson, *Chair*
Andy Tuck, *Vice Chair*
Members
Ben Gibson
Tom Grady
Michael Olenick
Joe York

Richard Corcoran
Commissioner of Education

MEMORANDUM

TO: School District Superintendents

FROM: Jacob Oliva

DATE: March 1, 2019

SUBJECT: Best and Brightest Teacher and Principal Scholarship Programs RFA and Allocation

Contact Information:

Abbey Stewart

850-245-9608

BestandBrightestScholarship@fldoe.org

DPS: 2019-35

The Request for Application (RFA) for the FY18/19 Florida Best and Brightest Teacher Scholarship Program and the Florida Best and Brightest Principal Program is now available. The RFA contains the details and requirements for the grant in addition to the forms and assurances that must be submitted with the application. The due date for applications is **March 12, 2019**. **The department will distribute funds immediately following the receipt and approval of the RFA.**

The district allocations and budget details for the Best and Brightest Teacher Scholarship and Best and Brightest Principal Scholarship Programs are included in the attachments. The allocation table indicates the amount each district will receive per eligible teacher in each funding category. From this amount, the district may subtract any employer portion of applicable payroll taxes and mandatory payroll expenses to determine the gross amount that will be paid to each teacher and principal. If necessary, other mandatory payroll related expenses such as Unemployment Compensation Insurance or Worker's Compensation Insurance that are normally paid by the district, may also be included in this line item. Total employer payroll taxes and mandatory expenses may vary from district to district, so please consult your payroll department to get these figures. The total for the project must match the total allocation provided on the allocation table for your district. Budget narratives should indicate the quantity of teachers for each funding category, followed by the associated benefits. It is not necessary to break out function/object code for each category of scholarship recipient. This one-time payment should be treated as a salary bonus payment; therefore, Florida Retirement System contributions cannot be deducted from the employee or paid by the district from this award.

All Best and Brightest Scholarship funds have been allocated based on the data reported by districts to the department on or before January 7, 2019. Therefore, the department cannot fund additional scholarships.

JACOB OLIVA
CHANCELLOR OF PUBLIC SCHOOLS

Best and Brightest Teacher and Principal Scholarship Programs RFA and Allocation
March 1, 2019
Page Two

To expedite awards, school districts may email their completed application to the following:
BestandBrightestApplicationSubmittal@fldoe.org.

If you have any program-related questions about the RFA, please contact Abbey Stewart (BestandBrightestScholarship@fldoe.org or 850-245-9608). If you have any grants management-related questions, please contact Sue Wilkinson (sue.wilkinson@fldoe.org or 850-245-0712).

JO/as

Attachments

cc: School District Finance Officers
School District Best and Brightest Coordinators

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Florida Department of Education Accused of Underpaying Teachers' Bonuses](#)
