

STORAGE NAME: h0161s1z.edk
DATE: June 3, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION K-12
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 161
RELATING TO: Education/Teacher Aides
SPONSOR(S): Committee on Education K-12 and Representative Dennis
COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12 YEAS 10 NAYS 1
- (2) EDUCATION APPROPRIATIONS YEAS 10 NAYS 0
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

PASSED BY THE LEGISLATURE - CHAPTER #98-292, Laws of Florida.

Upon adjournment of the 1997 legislative session, CS/HB 161 had been passed by the House [YEAS 112, NAYS 2] and had been received by the Senate and referred to the Senate Committee on Education. Upon adjournment in Senate Education, CS/HB 161 was carried over to the 1998 session pursuant to House Rule 96 and placed on the House Consent Calendar.

On March 17, 1998, CS/HB 161 was amended in the House on second reading (technical amendment), was read a third time, and passed as amended [YEAS 113, NAYS 2]. On April 17, 1998, CS/HB 161 was substituted for SB 1874 and was read a second time in the Senate. On April 22, 1998, CS/HB was read a third time and passed the Senate [YEAS 33, NAYS 0].

The bill was presented to the Governor on May 13, 1998, and on May 29, 1998, became law without the Governor's signature.

II. SUMMARY:

This bill amends several sections of statute to change the term "teacher aide" to "education paraprofessional."

The bill creates s. 231.143, F.S., authorizing school districts to adopt a program for the career development of education paraprofessionals. Participation in the program is voluntary. Five career development levels are specified. Duties which education paraprofessionals are not to perform are specified.

The adoption of the program for career development for paraprofessionals is subject to s. 407.309, F.S., relating to collective bargaining between school districts and their employees. Implementation of the program is contingent upon the agreement and ratification of both the employer and employees.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

There are currently no statutory provisions relating to career development for teacher aides. Frequently, collective bargaining agreements address career development for this group of employees.

Most school districts base teacher aides' salary increases on years of experience, rather than professional development. In the fall of 1994, the Department of Education reported the average teacher aide salary as \$10,570 which reflected a 1.23% increase from the prior year. There were 24,780 teacher aides employed by school districts in 1994.

Annual salary increases for paraprofessionals in Dade County are tied to years of service as well as the individual's participation in staff development courses.

As authorized by s. 231.15, F.S., school districts establish their own policies for the qualifications of teacher aides. These policies are required to include at least the following:

- health and age
- employment procedures
- personnel records
- salary
- assignment, suspension, and dismissal
- assessment of performance
- pupil welfare
- instructional policies and practices
- legal protections identical to those afforded teachers

B. EFFECT OF PROPOSED CHANGES:

This bill changes the term "teacher aide" to "education paraprofessional." The purpose is to afford "education paraprofessionals" a career opportunity and economic incentives through a career development program.

The bill authorizes the school districts to adopt a career development program for education paraprofessionals that includes voluntary participation in five career development levels. The levels and qualifications are:

LEVEL I--this person must meet the health requirement established for certified personnel; meet the age requirements for certified personnel; and meet the local school district requirements for employment.

LEVEL II--this person must have earned a high school diploma or the equivalent; possess a clear understanding of state and district rules and policies relevant to paraprofessionals; possess knowledge of all state and district instructional practices and policies relevant to paraprofessionals; and have maintained satisfactory job performance of appropriate skills and competencies for one year.

LEVEL III--this person must meet all the qualifications in Level II; must have completed 30 college semester hours or the equivalent in-service hours; and have maintained satisfactory job performance of appropriate skills and competencies for two years.

LEVEL IV--this person must meet the qualifications in Level III and have completed a total of 60 hours college semester hours or the equivalent in-service hours.

LEVEL V--this person must meet the qualifications in Level IV and have completed course work to earn a Bachelor of Arts or Bachelor of Science degree.

The bill restricts paraprofessionals from:

- establishing instructional objectives.
- making decisions regarding the relevancy of certain activities or procedures to the attainment of instructional objectives.
- making decisions regarding teaching materials for accomplishing instructional objectives.
- making judgments regarding the attainments of instructional objectives unless these judgments are based upon clear and objective criteria.

C. APPLICATION OF PRINCIPLES: GENERALLY:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Under the bill, school boards opting to adopt career development programs for education paraprofessionals would have to develop certain criteria and procedures.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

See (1), above. Additionally, education paraprofessionals choosing to enter career development paths would have to comply with the criteria and procedures established for the applicable career development path.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes. Education paraprofessionals choosing to benefit from an enhanced career development path must meet all relevant criteria and comply with all required procedures.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes. The bill enhances the options for education paraprofessionals to achieve better career opportunities and economic incentives.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

No.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. STATUTE(S) AFFECTED:

The bill amends ss. 121.091, 228.041, 228.056, 231.141, and 231.15, 231.3605, 231.40, and 240.40685, F.S.; and creates s. 231.143, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 228.041, F.S., changing "teacher aide" to "education paraprofessional."

Section 2: Amends s. 228.056, F.S., changing "teacher aide" to "education paraprofessional."

Section 3: Amends s. 231.141, F.S., changing "teacher aide" to "education paraprofessional."

- Section 4: Creates s. 231.143, F.S., the “education paraprofessional development program.”
- Section 5: Amends s. 231.15, F.S., changing “teacher aide” to “education paraprofessional.”
- Section 6: Amends s. 231.3605, F.S., changing “teacher aide” to “education paraprofessional.”
- Section 7: Amends s. 231.40, F.S., changing “teacher aide” to “education paraprofessional.”
- Section 8: Amends s. 240.40685, F.S., changing “teacher aide” to “education paraprofessional.”
- Section 9: Amends s. 121.091, F.S., changing “teacher aide” to “education paraprofessional.”
- Section 10: Provides an effective date of July 1 of the year in which enacted.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The fiscal impact of the bill is indeterminate. The language of the bill is permissive, allowing for a wide variation in implementation. In addition, local bargaining outcomes are district-specific.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

This bill is consistent with Goal 6 of *Blueprint 2000*:

" The schools, districts, and state should ensure professional teachers and staff".

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 10, 1997, HB 161 was reported favorably as a committee substitute by the House Committee on Education/K-12. The committee substitute incorporated several technical changes.

VIII. SIGNATURES:

COMMITTEE ON EDUCATIONAL SERVICES:

Prepared by:

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PAGE 8

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

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