

By Representative Dennis

1                                   A bill to be entitled  
 2           An act relating to education; amending ss.  
 3           228.041, 228.056, 230.23, 231.141, 231.15, and  
 4           121.091, F.S.; replacing the term "teacher  
 5           aide" with the term "education  
 6           paraprofessional"; requiring the State Board of  
 7           Education to classify school services and  
 8           prescribe rules; creating s. 231.143, F.S.;  
 9           authorizing school districts to adopt a program  
 10          for the career development of education  
 11          paraprofessionals; specifying levels of  
 12          achievement that paraprofessionals can attain  
 13          through the program; providing restrictions;  
 14          providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18           Section 1. Subsection (23) of section 228.041, Florida  
 19 Statutes, 1996 Supplement, is amended to read:

20           228.041 Definitions.--Specific definitions shall be as  
 21 follows, and wherever such defined words or terms are used in  
 22 the Florida School Code, they shall be used as follows:

23           (23) EDUCATION PARAPROFESSIONAL ~~TEACHER AIDE~~.--An  
 24 education paraprofessional ~~A teacher aide~~ is any paid person  
 25 appointed by a school board to assist members of the  
 26 instructional staff in carrying out their instructional or  
 27 professional duties and responsibilities.

28           Section 2. Paragraph (e) of subsection (12) of section  
 29 228.056, Florida Statutes, 1996 Supplement, is amended to  
 30 read:

31           228.056 Charter schools.--

1 (12) EMPLOYEES OF CHARTER SCHOOLS.--

2 (e) Teachers employed by or under contract to a  
3 charter school shall be certified as required by chapter 231.  
4 A charter school may employ or contract with skilled selected  
5 noncertified personnel to provide instructional services or to  
6 assist instructional staff members as education  
7 paraprofessionals ~~teacher-aides~~ in the same manner as defined  
8 in chapter 231. A charter school may not employ an individual  
9 to provide instructional services or to serve as an education  
10 paraprofessional ~~a teacher-aide~~ if the individual's  
11 certification or licensure as an educator is suspended or  
12 revoked by this or any other state. The qualifications of  
13 teachers shall be disclosed to parents.

14 Section 3. Paragraph (p) of subsection (4) of section  
15 230.23, Florida Statutes, 1996 Supplement, is amended to read:

16 230.23 Powers and duties of school board.--The school  
17 board, acting as a board, shall exercise all powers and  
18 perform all duties listed below:

19 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
20 SCHOOLS.--Adopt and provide for the execution of plans for the  
21 establishment, organization, and operation of the schools of  
22 the district, as follows:

23 (p) Education paraprofessionals ~~Teacher~~  
24 ~~aides~~.--Appoint education paraprofessionals ~~teacher-aides~~ to  
25 assist members of the instructional staff in the primary  
26 grades, kindergarten, and grades one through three, to the  
27 extent feasible as determined by the school board.

28 Section 4. Section 231.141, Florida Statutes, is  
29 amended to read:

30 231.141 Education paraprofessionals ~~Teacher-aides~~.--A  
31 school board may appoint education paraprofessionals ~~teacher~~

1 ~~aides~~ to assist members of the instructional staff in carrying  
2 out their duties and responsibilities. An education  
3 paraprofessional ~~A teacher aide~~ shall not be required to hold  
4 a teaching certificate. An education paraprofessional ~~A~~  
5 ~~teacher aide~~, while rendering services under the supervision  
6 of a certificated teacher, shall be accorded the same  
7 protection of laws as that accorded the certified teacher.  
8 Paid education paraprofessionals ~~teacher aides~~ employed by a  
9 school board shall be entitled to the same rights as those  
10 accorded noninstructional employees of the board.

11 Section 5. Section 231.143, Florida Statutes, is  
12 created to read:

13 231.143 Education paraprofessional career  
14 development.--

15 (1) The Legislature recognizes that education  
16 paraprofessionals play an important role in educating school  
17 children and in assisting teachers. The Legislature further  
18 recognizes the increasing role of education paraprofessionals  
19 in the school system in light of teacher shortages. To  
20 achieve the goal of excellence for all persons who have an  
21 impact on student learning, it is the intent of the  
22 Legislature that education paraprofessionals be afforded  
23 career opportunities and economic incentives through a career  
24 development program.

25 (2)(a) Each school district may adopt a program for  
26 the career development of education paraprofessionals. The  
27 purpose of the program is to provide to education  
28 paraprofessionals a system of career development which is  
29 based upon education and training advancement, and to furnish  
30 economic incentives to encourage excellence among education  
31 paraprofessionals.

1           (b) The adoption of each program is subject to chapter  
2 447, and the implementation of a program is contingent upon  
3 the agreement and ratification of the program by both the  
4 employer and employees under s. 447.309.

5           (3) A district education paraprofessional career  
6 development program must include voluntary participation by  
7 paraprofessionals in five career development levels. The  
8 school board shall adopt a procedure for ensuring the  
9 competency levels of all persons who participate in the career  
10 development program.

11           (4)(a) Level I.--To qualify for Level I, the person  
12 must meet:

13           1. The health requirement established for certified  
14 personnel.

15           2. The age requirements for certified personnel.

16           3. The local school district requirements for  
17 employment.

18           (b) Level II.--To qualify for Level II, the person  
19 must:

20           1. Have earned a high school diploma or the  
21 equivalent.

22           2. Possess a clear understanding of state and district  
23 rules and policies relevant to paraprofessionals.

24           3. Possess knowledge of all state and district  
25 instructional practices and policies relevant to  
26 paraprofessionals.

27           4. Have maintained satisfactory job performance of  
28 appropriate skills and competencies for 1 year.

29           (c) Level III.--To qualify for Level III, the person  
30 must:

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- 1           1. Have completed 30 college semester hours or the  
2 equivalent inservice hours.
- 3           2. Possess a clear understanding of state and district  
4 rules and policies relevant to paraprofessionals.
- 5           3. Possess knowledge of all state and district  
6 instructional practices and policies relevant to  
7 paraprofessionals.
- 8           4. Have maintained satisfactory job performance of  
9 appropriate skills and competencies for 2 years.
- 10          (d) Level IV.--To qualify for Level IV, the person  
11 must:
- 12           1. Have completed 60 college semester hours or the  
13 equivalent inservice hours.
- 14           2. Possess a clear understanding of state and district  
15 rules and policies relevant to paraprofessionals.
- 16           3. Possess knowledge of all state and district  
17 instructional practices and policies relevant to  
18 paraprofessionals.
- 19           4. Have maintained satisfactory job performance of  
20 appropriate skills and competencies for 2 years.
- 21          (e) Level V.--To qualify for Level V, the person must:
- 22           1. Have completed coursework to earn a bachelor of  
23 arts or bachelor of science degree.
- 24           2. Possess a clear understanding of state and district  
25 rules and policies relevant to paraprofessionals.
- 26           3. Possess knowledge of all state and district  
27 instructional practices and policies relevant to  
28 paraprofessionals.
- 29           4. Have maintained satisfactory job performance of  
30 appropriate skills and competencies for 2 years.
- 31          (5) Paraprofessionals may not:

- 1           (a) Establish instructional objectives;  
2           (b) Make decisions regarding the relevancy of certain  
3 activities or procedures to the attainment of instructional  
4 objectives;  
5           (c) Make decisions regarding the appropriateness of  
6 certain teaching materials for accomplishing instructional  
7 objectives; or  
8           (d) Make judgments regarding the attainment of  
9 instructional objectives unless these judgments are based upon  
10 clear and objective criteria, such as specific achievement  
11 standards on a true-false test.

12           Section 6. Subsection (1) of section 231.15, Florida  
13 Statutes, is amended to read:

14           231.15 Positions for which certificates required.--

15           (1) The State Board of Education shall ~~have authority~~  
16 ~~to~~ classify school services and ~~to~~ prescribe rules in  
17 accordance with which the professional, temporary, and  
18 part-time certificates shall be issued by the Department of  
19 Education to school employees who meet the standards  
20 prescribed by such rules for their class of service. Each  
21 person employed or occupying a position as school supervisor,  
22 principal, teacher, library media specialist, school  
23 counselor, athletic coach, or other position in which the  
24 employee serves in an instructional capacity, in any public  
25 school of any district of this state shall hold the  
26 certificate required by law and by rules of the state board in  
27 fulfilling the requirements of the law for the type of service  
28 rendered. However, the state board shall adopt rules  
29 authorizing school boards to employ selected noncertificated  
30 personnel to provide instructional services in the  
31 individuals' fields of specialty or to assist instructional

1 staff members as education paraprofessionals ~~teacher aides~~.  
2 Each person who is employed and renders service as an athletic  
3 coach in any public school in any district of this state shall  
4 hold a valid part-time, temporary, or professional  
5 certificate. Each person employed as a school nurse shall hold  
6 a license to practice nursing in the state, and each person  
7 employed as a school physician shall hold a license to  
8 practice medicine in the state. The provisions of this  
9 subsection shall not apply to any athletic coach who renders  
10 service in a voluntary capacity and who is not employed by any  
11 public school of any district in this state.

12 Section 7. Paragraph (b) of subsection (9) of section  
13 121.091, Florida Statutes, 1996 Supplement, is amended to  
14 read:

15 121.091 Benefits payable under the system.--No  
16 benefits shall be paid under this section unless the member  
17 has terminated employment as provided in s. 121.021(39) and a  
18 proper application has been filed in the manner prescribed by  
19 the division.

20 (9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.--

21 (b)1. Any person who is retired under this chapter,  
22 except under the disability retirement provisions of  
23 subsection (4), may be reemployed by any private or public  
24 employer after retirement and receive retirement benefits and  
25 compensation from his or her employer without any limitations,  
26 except that a person may not receive both a salary from  
27 reemployment with any agency participating in the Florida  
28 Retirement System and retirement benefits under this chapter  
29 for a period of 12 months immediately subsequent to the date  
30 of retirement.

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1           2. Any person to whom the limitation in subparagraph  
2 1. applies who violates such reemployment limitation and who  
3 is reemployed with any agency participating in the Florida  
4 Retirement System before completion of the 12-month limitation  
5 period shall give timely notice of this fact in writing to the  
6 employer and to the division and shall have his or her  
7 retirement benefits suspended for the balance of the 12-month  
8 limitation period. Any person employed in violation of this  
9 paragraph and any employing agency which knowingly employs or  
10 appoints such person without notifying the Division of  
11 Retirement to suspend retirement benefits shall be jointly and  
12 severally liable for reimbursement to the retirement trust  
13 fund of any benefits paid during the reemployment limitation  
14 period. To avoid liability, such employing agency shall have  
15 a written statement from the retiree that he or she is not  
16 retired from a state-administered retirement system. Any  
17 retirement benefits received while reemployed during this  
18 reemployment limitation period shall be repaid to the  
19 retirement trust fund, and retirement benefits shall remain  
20 suspended until such repayment has been made. Benefits  
21 suspended beyond the reemployment limitation shall apply  
22 toward repayment of benefits received in violation of the  
23 reemployment limitation.

24           3. A district school board may reemploy a retired  
25 member as a substitute or hourly teacher, education  
26 paraprofessional ~~teacher aide~~, transportation assistant, bus  
27 driver, or food service worker on a noncontractual basis after  
28 he or she has been retired for 1 calendar month, in accordance  
29 with s. 121.021(39). Any retired member who is reemployed  
30 within 1 calendar month after retirement shall void his or her  
31 application for retirement benefits. District school boards



1 reemploying such teachers, education paraprofessionals ~~teacher~~  
2 ~~aides~~, transportation assistants, bus drivers, or food service  
3 workers are subject to the retirement contribution required by  
4 subparagraph 7. Reemployment of a retired member as a  
5 substitute or hourly teacher, education paraprofessional  
6 ~~teacher aide~~, transportation assistant, bus driver, or food  
7 service worker is limited to 780 hours during the first 12  
8 months of his or her retirement. Any retired member  
9 reemployed for more than 780 hours during his or her first 12  
10 months of retirement shall give timely notice in writing to  
11 the employer and to the division of the date he or she will  
12 exceed the limitation. The division shall suspend his or her  
13 retirement benefits for the remainder of the first 12 months  
14 of retirement. Any person employed in violation of this  
15 subparagraph and any employing agency which knowingly employs  
16 or appoints such person without notifying the Division of  
17 Retirement to suspend retirement benefits shall be jointly and  
18 severally liable for reimbursement to the retirement trust  
19 fund of any benefits paid during the reemployment limitation  
20 period. To avoid liability, such employing agency shall have  
21 a written statement from the retiree that he or she is not  
22 retired from a state-administered retirement system. Any  
23 retirement benefits received by a retired member while  
24 reemployed in excess of 780 hours during the first 12 months  
25 of retirement shall be repaid to the Retirement System Trust  
26 Fund, and his or her retirement benefits shall remain  
27 suspended until repayment is made. Benefits suspended beyond  
28 the end of the retired member's first 12 months of retirement  
29 shall apply toward repayment of benefits received in violation  
30 of the 780-hour reemployment limitation.

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1           4. A community college board of trustees may reemploy  
2 a retired member as an adjunct instructor, that is, an  
3 instructor who is noncontractual and part-time, or as a  
4 participant in a phased retirement program within the State  
5 Community College System, after he or she has been retired for  
6 1 calendar month, in accordance with s. 121.021(39). Any  
7 retired member who is reemployed within 1 calendar month after  
8 retirement shall void his or her application for retirement  
9 benefits. Boards of trustees reemploying such instructors are  
10 subject to the retirement contribution required in  
11 subparagraph 7. A retired member may be reemployed as an  
12 adjunct instructor for no more than 780 hours during the first  
13 12 months of retirement. Any retired member reemployed for  
14 more than 780 hours during the first 12 months of retirement  
15 shall give timely notice in writing to the employer and to the  
16 division of the date he or she will exceed the limitation.  
17 The division shall suspend his or her retirement benefits for  
18 the remainder of the first 12 months of retirement. Any  
19 person employed in violation of this subparagraph and any  
20 employing agency which knowingly employs or appoints such  
21 person without notifying the Division of Retirement to suspend  
22 retirement benefits shall be jointly and severally liable for  
23 reimbursement to the retirement trust fund of any benefits  
24 paid during the reemployment limitation period. To avoid  
25 liability, such employing agency shall have a written  
26 statement from the retiree that he or she is not retired from  
27 a state-administered retirement system. Any retirement  
28 benefits received by a retired member while reemployed in  
29 excess of 780 hours during the first 12 months of retirement  
30 shall be repaid to the Retirement System Trust Fund, and  
31 retirement benefits shall remain suspended until repayment is

1 made. Benefits suspended beyond the end of the retired  
2 member's first 12 months of retirement shall apply toward  
3 repayment of benefits received in violation of the 780-hour  
4 reemployment limitation.

5           5. The State University System may reemploy a retired  
6 member as an adjunct faculty member or as a participant in a  
7 phased retirement program within the State University System  
8 after the retired member has been retired for 1 calendar  
9 month, in accordance with s. 121.021(39). Any retired member  
10 who is reemployed within 1 calendar month after retirement  
11 shall void his or her application for retirement benefits.  
12 The State University System is subject to the retired  
13 contribution required in subparagraph 7., as appropriate. A  
14 retired member may be reemployed as an adjunct faculty member  
15 or a participant in a phased retirement program for no more  
16 than 780 hours during the first 12 months of his or her  
17 retirement. Any retired member reemployed for more than 780  
18 hours during the first 12 months of retirement shall give  
19 timely notice in writing to the employer and to the division  
20 of the date he or she will exceed the limitation. The  
21 division shall suspend his or her retirement benefits for the  
22 remainder of the first 12 months of retirement. Any person  
23 employed in violation of this subparagraph and any employing  
24 agency which knowingly employs or appoints such person without  
25 notifying the Division of Retirement to suspend retirement  
26 benefits shall be jointly and severally liable for  
27 reimbursement to the retirement trust fund of any benefits  
28 paid during the reemployment limitation period. To avoid  
29 liability, such employing agency shall have a written  
30 statement from the retiree that he or she is not retired from  
31 a state-administered retirement system. Any retirement

1 benefits received by a retired member while reemployed in  
2 excess of 780 hours during the first 12 months of retirement  
3 shall be repaid to the Retirement System Trust Fund, and  
4 retirement benefits shall remain suspended until repayment is  
5 made. Benefits suspended beyond the end of the retired  
6 member's first 12 months of retirement shall apply toward  
7 repayment of benefits received in violation of the 780-hour  
8 reemployment limitation.

9           6. The Board of Trustees of the Florida School for the  
10 Deaf and the Blind may reemploy a retired member as a  
11 substitute teacher, substitute residential instructor, or  
12 substitute nurse on a noncontractual basis after he or she has  
13 been retired for 1 calendar month, in accordance with s.  
14 121.021(39). Any retired member who is reemployed within 1  
15 calendar month after retirement shall void his or her  
16 application for retirement benefits. The Board of Trustees of  
17 the Florida School for the Deaf and the Blind reemploying such  
18 teachers, residential instructors, or nurses is subject to the  
19 retirement contribution required by subparagraph 7.  
20 Reemployment of a retired member as a substitute teacher,  
21 substitute residential instructor, or substitute nurse is  
22 limited to 780 hours during the first 12 months of his or her  
23 retirement. Any retired member reemployed for more than 780  
24 hours during the first 12 months of retirement shall give  
25 timely notice in writing to the employer and to the division  
26 of the date he or she will exceed the limitation. The division  
27 shall suspend his or her retirement benefits for the remainder  
28 of the first 12 months of retirement. Any person employed in  
29 violation of this subparagraph and any employing agency which  
30 knowingly employs or appoints such person without notifying  
31 the Division of Retirement to suspend retirement benefits

1 shall be jointly and severally liable for reimbursement to the  
2 retirement trust fund of any benefits paid during the  
3 reemployment limitation period. To avoid liability, such  
4 employing agency shall have a written statement from the  
5 retiree that he or she is not retired from a  
6 state-administered retirement system. Any retirement benefits  
7 received by a retired member while reemployed in excess of 780  
8 hours during the first 12 months of retirement shall be repaid  
9 to the Retirement System Trust Fund, and his or her retirement  
10 benefits shall remain suspended until payment is made.

11 Benefits suspended beyond the end of the retired member's  
12 first 12 months of retirement shall apply toward repayment of  
13 benefits received in violation of the 780-hour reemployment  
14 limitation.

15         7. The employment by an employer of any retiree of any  
16 state-administered retirement system shall have no effect on  
17 the average final compensation or years of creditable service  
18 of the retiree. Prior to July 1, 1991, upon employment of any  
19 person, other than an elected officer as provided in s.  
20 121.053, who has been retired under any state-administered  
21 retirement program, the employer shall pay retirement  
22 contributions in an amount equal to the unfunded actuarial  
23 accrued liability portion of the employer contribution which  
24 would be required for regular members of the Florida  
25 Retirement System. Effective July 1, 1991, contributions shall  
26 be made as provided in s. 121.122 for renewed membership.

27         8. Any person who has previously retired and who is  
28 holding an elective public office or an appointment to an  
29 elective public office eligible for the Elected State and  
30 County Officers' Class on or after July 1, 1990, shall be  
31 enrolled in the Florida Retirement System as provided in s.

1 121.053(1)(b) or, if holding an elective public office that  
2 does not qualify for the Elected State and County Officers'  
3 Class on or after July 1, 1991, shall be enrolled in the  
4 Florida Retirement System as provided in s. 121.122, and shall  
5 continue to receive retirement benefits as well as  
6 compensation for the elected officer's service for as long as  
7 he or she remains in elective office. However, any retired  
8 member who served in an elective office prior to July 1, 1990,  
9 suspended his or her retirement benefit, and had his or her  
10 Florida Retirement System membership reinstated shall, upon  
11 retirement from such office, have his or her retirement  
12 benefit recalculated to include the additional service and  
13 compensation earned.

14 9. Any person who is holding an elective public office  
15 which is covered by the Florida Retirement System and who is  
16 concurrently employed in nonelected covered employment may  
17 elect to retire while continuing employment in the elective  
18 public office, provided that he or she shall be required to  
19 terminate his or her nonelected covered employment. Any  
20 person who exercises this election shall receive his or her  
21 retirement benefits in addition to the compensation of the  
22 elective office without regard to the time limitations  
23 otherwise provided in this subsection. No person who seeks to  
24 exercise the provisions of this subparagraph, as the same  
25 existed prior to May 3, 1984, shall be deemed to be retired  
26 under those provisions, unless such person is eligible to  
27 retire under the provisions of this subparagraph, as amended  
28 by chapter 84-11, Laws of Florida.

29 10. The limitations of this paragraph apply to  
30 reemployment in any capacity with an "employer" as defined in  
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511-122B-97

1 s. 121.021(10), irrespective of the category of funds from  
2 which the person is compensated.

3 Section 8. This act shall take effect July 1, 1997.

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6 HOUSE SUMMARY

7 Replaces the term "teacher aide" with the term "education  
8 paraprofessional." Requires, rather than authorizes, the  
9 State Board of Education to classify school services and  
10 prescribe rules for certification. Authorizes school  
11 districts to adopt a career development program for  
12 education paraprofessionals. Specifies levels of career  
13 development to be attained through the program. Provides  
14 restrictions.

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