

STORAGE NAME: h1813a.go

DATE: April 15, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
ANALYSIS**

BILL #: HB 1813

RELATING TO: Classification of School Personnel

SPONSOR(S): Representative Andrews

COMPANION BILL(S): SB 2608 (identical)

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

- (1) EDUCATION K-12 YEAS 6 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
 - (3) EDUCATION APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

This bill requires the Florida Department of Education (DOE), by January 1, 2000, to recommend statutory revisions necessary to establish school and school district personnel classifications which accurately represent job assignments.

The recommendations must include definitions for administrative personnel and instructional personnel, and must address specialized assignments. Administrative personnel classifications must differentiate between school site administrators, nonschool site administrators, and administrators with instructional responsibility. Instructional personnel classifications must differentiate between personnel who have direct instructional contact with students and evaluate student performance, and personnel who provide services to students but do not directly evaluate student performance.

Specialized assignments include large group assignments such as art instruction, music instruction, or physical education; exceptional student education, remedial education, speech-language pathology, and similar fields; and team teaching situations or assignment as the second teacher in a classroom. The bill requires DOE to recommend procedures to provide for the accurate reporting of job assignments by schools and school districts.

This bill provides an effective date of upon becoming a law.

There is no significant fiscal impact associated with this bill.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The following definitions in s. 228.041, F.S., were substantially amended by the 1996 Legislature in HB 2449 (ch. 96-269. L.O.F.):

INSTRUCTIONAL PERSONNEL. "Instructional personnel" means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

- (a) 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, and vocational-technical and adult education, including substitute teachers.
- (b) Pupil personnel services.--Pupil 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 guidance counselors, social workers, occupational/placement 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.
- (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) through (c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, and similar positions.
- (e) Instructional paraprofessionals.--Instructional paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals.

ADMINISTRATIVE PERSONNEL. "Administrative personnel" includes personnel who perform management activities such as developing broad policies for the school district and executing those policies through the direction of personnel at all levels within the district. Administrative personnel are generally high-level, responsible personnel who have been assigned the responsibilities of system-wide or school-wide functions, such as superintendents, assistant superintendents, deputy superintendents, principals, assistant principals, vocational center directors, and others who perform management activities. Broad classifications of administrative personnel are as follows:

- (a) District-based instructional administrators. Included in this classification are persons with district-level administrative or policy making duties who have broad authority for management policies and general school district operations related to the instructional program. Such personnel often report directly to the superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major instructional areas, such as curriculum, federal programs such as Title I, specialized instructional program areas such as exceptional student education, career education, and similar areas.

(b) District-based noninstructional administrators. Included in this classification are persons with district-level administrative or policy making duties who have broad authority for management policies and general school district operations related to the noninstructional program. Such personnel often report directly to the superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance.

(c) School administrators. Included in this classification are:

1. Principals or school directors who are staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and noninstructional activities of the school. This classification also includes vocational center directors.
2. Assistant principals who are staff members assisting the administrative head of the school. This classification also includes assistant principals for curriculum and administration.

There is concern that school districts may not be uniform in their reporting of employees assigned to the various personnel classifications prescribed in the Florida Statutes. In particular, such disparity may preclude an accurate assessment of essential information such as the teacher/pupil ratio in a given school or district.

B. EFFECT OF PROPOSED CHANGES:

Section 1 - Requires DOE to recommend to the Legislature, by January 1, 2000, statutory revisions necessary to establish school, and school district personnel classifications. Such recommendations are intended to establish classifications which accurately represent job assignments.

The recommendations must include definitions for administrative personnel and instructional personnel, and must address specialized assignments. Administrative personnel classifications must differentiate between school site administrators, nonschool site administrators, and administrators with instructional responsibility. Instructional personnel classifications must differentiate between personnel who have direct instructional contact with students and evaluate student performance, and personnel who provide services to students but do not directly evaluate student performance. Specialized assignments include large group assignments such as art instruction, music instruction, or physical education; exceptional student education, remedial education, speech-language pathology, and similar fields; and team teaching situations or assignment as the second teacher in a classroom. The bill requires DOE to recommend procedures to provide for the accurate reporting of job assignments by schools and districts.

Section 2 - Provides an effective date of upon becoming a law.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

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

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

No.

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

Yes. DOE must recommend statutory changes to existing language with regard to school and school district personnel classifications.

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

No.

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

An agency or program is not eliminated or reduced.

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

N/A

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

N/A

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

N/A

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?

No.

4. Individual Freedom:

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

No.

- 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:

The bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

- 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:

The bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. **STATUTE(S) AFFECTED:**

The bill creates a presently unnumbered statute.

E. SECTION-BY-SECTION ANALYSIS:

See Section IIB. EFFECT OF PROPOSED CHANGES.

III. FISCAL ANALYSIS & 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:

None.

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:

None.

IV. 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 spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities 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.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One amendment was passed. On page 2, line 9, the phrase "speech-language pathology" was removed from the bill thereby removing speech-language pathology from the list of disciplines falling under the definition of "instructional personnel".

VII. SIGNATURES:

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