

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1219 Instructional Personnel  
**SPONSOR(S):** Bartleman  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1578

<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b>
1) Early Learning & Elementary Education Subcommittee	16 Y, 0 N	Aaronson	Brink
2) Government Operations Subcommittee			
3) PreK-12 Appropriations Subcommittee			
4) Education & Employment Committee			

**SUMMARY ANALYSIS**

With respect to public schools, Florida law defines instructional personnel to include kindergarten through grade 12 staff members who provide direct instruction or support in the learning process of students, including classroom teachers. Prekindergarten teachers are not included in this definition. However, certain prekindergarten teachers employed by a public school may be funded by the Florida Education Finance Program (FEFP).

The bill revises the terms “instructional personnel” and “classroom teacher” to include certified prekindergarten staff members who are funded in the FEFP, (i.e., who provide special education instruction to prekindergarten students).

The bill lists qualifying educator certificates for prekindergarten instructors, to include Prekindergarten/Primary Education, Preschool Education, Early Childhood Education, or any exceptional student education area with the Prekindergarten Disabilities endorsement.

The bill has no fiscal impact.

The bill provides an effective date of July 1, 2022.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Instructional Personnel in Florida Public Schools**

##### Present Situation

Florida law defines instructional personnel to include school district employees that provide direct instructional services or direct instructional support to students in grades kindergarten through grade 12.<sup>1</sup> Instructional personnel may include:<sup>2</sup>

- classroom teachers;
- student personnel services such as student advisors, counselors, social workers, career specialists, and school psychologists;
- librarians/media specialists;
- other instructional staff such as primary specialists, learning resource specialists, instructional trainers, and similar positions; and
- education paraprofessionals.

Specifically, classroom teachers are defined as staff members instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education. Substitute teachers are considered classroom teachers.<sup>3</sup> The definitions for instructional personnel and classroom teachers do not currently include prekindergarten teachers employed in public schools.<sup>4</sup>

##### *Florida Education Finance Program*

The Florida Education Finance Program (FEFP) is the funding formula adopted by the Florida Legislature in 1973 to allocate funds appropriated to school districts for K-12 public school operations.<sup>5</sup> The FEFP combines state and local funds to determine appropriate funding and allocations for the education for Florida's students.

The FEFP identifies a prekindergarten student with a disability as meeting the requirements specified for kindergarten students.<sup>6</sup> Therefore, prekindergarten programs for exceptional children are funded through the FEFP as calculated by the Florida Department of Education (DOE).<sup>7</sup>

##### *Teacher Salary Increase Allocation*

In 2020, the Legislature established the Teacher Salary Increase Allocation in the FEFP to assist school districts in the recruitment and retention of instructional personnel.<sup>8</sup> In 2020 and 2021, the Legislature appropriated \$500 million in the General Appropriations Act to the Teacher Salary Increase Allocation to assist school districts in increasing classroom teacher salaries.<sup>9</sup> The allocation funds must be used to increase the minimum base salary for eligible teachers to at least \$47,500, or the maximum amount achievable based on the allocation.<sup>10</sup> Prekindergarten teachers who provide special education

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<sup>1</sup> Section 1012.01(2), F.S.

<sup>2</sup> Section 1012.01(2)(a)-(e), F.S.

<sup>3</sup> Section 1012.01(2)(a), F.S.

<sup>4</sup> See text accompanying notes 8-11.

<sup>5</sup> Chapter 73-345, L.O.F.

<sup>6</sup> Section 1011.61(1)(c)1.b.(II), F.S.

<sup>7</sup> Section 1011.61(4), F.S.

<sup>8</sup> Section 2, ch. 2020-94, L.O.F.

<sup>9</sup> Specific Appropriations 8 and 92, s. 2, ch. 2020-111, L.O.F.

<sup>10</sup> Section 1011.62(16)(b)1., F.S.

instruction and are funded in the FEFP are entitled to the same salary amounts as other school personnel under the allocation.<sup>11</sup>

### Effect of Proposed Changes

The bill revises the terms “instructional personnel” and “classroom teacher” to be consistent with the Teacher Salary Increase Allocation by including certified prekindergarten staff members who are funded in the FEFP.

The bill lists qualifying educator certificates, to include Prekindergarten/Primary Education, Preschool Education, Early Childhood Education, or any exceptional student education area with the Prekindergarten Disabilities endorsement.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s.1012.01, F.S.; revising the definition of the term “instructional personnel” to include specified prekindergarten instructors.

**Section 2:** Provides an effective date of July 1, 2022.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

#### D. FISCAL COMMENTS:

None.

## III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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<sup>11</sup> As defined in s. 1012.01(2)(b)-(d), F.S.

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None.