HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 4041 Education Law Repeals SPONSOR(S): Education Committee TIED BILLS: IDEN./SIM. BILLS: CS/SB 492

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Guilford	Klebacha

SUMMARY ANALYSIS

The bill repeals programs that were never implemented or are no longer funded. These programs are: the Alternative Credit Pilot Project; the High School to Business Career Enhancement Program; the Substance Abuse Training Program; the Incentives for Urban or Socially and Economically Disadvantaged Area Internships; the Dropout Reentry and Mentor Project; the Sunshine Workforce Solutions Grant Program; and the Transition to Teaching Program.

The bill also repeals provisions of law that are obsolete, not utilized, or unnecessary. These provisions include: K-12 Foreign Language Curriculum; Professional Credentials of Prekindergarten Instructors; Standard High School Diploma Designations; Individual Education Plans for Exceptional Students; Provision of Information to Students and Parents Regarding School-to-Work Transition; Guidance Services; Statewide School Safety Hotline; Readiness for Postsecondary Education and the Workplace; Joint Dual Enrollment and Advanced Placement Instruction; Site-Determined Baccalaureate Degree Access; and Sponsorship of Athletic Activities Similar to those for which Scholarships are offered.

In addition, the bill repeals rulemaking provisions that require the State Board of Education (SBE), in cooperation with the Department of Health, to adopt rules regarding the use of an epinephrine auto-injector, diabetes management, and the use of prescribed pancreatic enzyme supplements by students. The law is self executing and no rulemaking authority is needed.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill repeals education laws that are outdated, obsolete, unfunded, or unnecessary.

K-12 Foreign Language Curriculum; Plan Submittal¹

In 2002, legislation was enacted to require each district school board to develop a plan for a K-12 foreign language curriculum and to submit that plan to the Commissioner of Education by June 30. 2004. The date by which each district school board was to submit its K-12 foreign language curriculum to the Commissioner of Education has passed.

The bill repeals s. 1001.435, F.S., relating to K-12 Foreign Language Curriculum. The Department of Education (DOE) concurs with the repeal of this statute.²

K-12 Student and Parent Rights, Health Issues³

In 2005, legislation was enacted that requires the State Board of Education (SBE), in cooperation with the Department of Health, to adopt rules for the use of an epinephrine auto-injector by a student.⁴

On March 24, 2008, the SBE adopted Rule 6A-6.0251, Use of Epinephrine Auto-Injectors. The rule requires an Individual Health Care Plan (IHCP) be developed by the school nurse for a student with lifethreatening allergies. The law does not establish or reference IHCPs; accordingly, the existing rule raises concerns.

In 2010, similar legislation was enacted that requires the SBE, in cooperation with the Department of Health (DOH), to adopt rules to implement the law related to diabetes management and the use of prescribed pancreatic enzyme supplements by students. These rules were required to include provisions to protect the safety of all students from the misuse or abuse of auto-injectors, diabetic supplies or equipment, or prescribed pancreatic enzyme supplements.⁵

These sections of law are being recommended for repeal because the law is self executing. The SBE has exceeded its rulemaking authority in the adoption of Rule 6A-6.0251, which requires the development of an IHCP. The SBE does not have the authority to require the development of an IHCP and no such plans are mentioned in state or federal law. However, school districts, as a matter of practice develop such plans.⁶ Because school districts already address these student health issues at the district level, reference to those practices in state board rule are unnecessary.

Further, the section of law authorizing rulemaking authority for diabetes management and the use of prescribed pancreatic enzyme supplements is unnecessary because school districts also address these student health issues at the district level.

The bill removes this rulemaking authority by amending s. 1002.20(3)(i)-(k), F.S. The Department of Education and DOH concur with the repeal of this rulemaking authority.⁷

¹ Section 1001.435, F.S.

² Email, Florida Department of Education, Office of Governmental Relations (Dec. 12, 2011).

³ Section 1002.20(3)(i)-(k), F.S.

⁴ Section 1002.20(3)(i), F.S.

⁵ Rule 6A-6.0253, F.A.C. Diabetes Management is authorized in s. 1001.20(3)(j), F.S., and Rule 6A-6.0252, F.A.C., Use of Prescribed Pancreatic Enzyme Supplements is authorized in s. 1001.20(3)(k), F.S.

⁶ Conference call with the General Counsel and the Director of State and National Initiatives, Florida Department of Education (Jan. 4, 2012).

⁷ Conference call with the General Counsel and the Director of State and National Initiatives, Florida Department of Education (Jan. 4, 2012); House Policy Chief, meeting with DOE staff (Jan. 23, 2012). (In meetings with DOH staff, DOH concurs that the contents of STORAGE NAME: pcs4041.EDC PAGE: 2

Alternative Credit for High School Courses; Pilot Project⁸

This law was enacted in 2008 to allow the Commissioner of Education to implement a pilot project in up to three school districts beginning in the 2008-09 academic year. This pilot project enabled high school students enrolled in career academies to simultaneously earn alternative credit for Algebra, Geometry, or Biology, while completing similar academic coursework. Only one high school participated in the pilot and no eligible students sought credit through the alternative credit program.⁹ The Alternative Credit for High School Courses; Pilot Project, is no longer in existence.

The bill repeals s. 1002.375, F.S., which created the Alternative Credit for High School Courses; Pilot Project. The Department of Education concurs with repeal of this statute.¹⁰

Professional Credentials of Prekindergarten Instructors; Aspirational Goals; Legislative Intent¹¹

The bill repeals s. 1002.65, F.S., enacted in 2004, which states aspirational goals regarding VPK instructor credentials. This section is unnecessary because the statute is only a statement of aspirational goals and not a requirement. Also, implementation of these goals would add additional costs to employment of VPK instructors. Finally, even though the bill repeals s. 1002.65, F.S., both private and public providers, on their own volition, are not prohibited from employing instructors with these additional credentials.

Standard High School Diploma Designations¹²

The law was enacted in 2008 to require each standard high school diploma to include a designation of the student's major area of interest pursuant to completion of the student's required credits.

The law is obsolete due to the repeal of s.1003.428(2)(b), F.S., which required students to choose four credits in a major area of interest and three credits in a minor area of interest.¹³

The bill repeals s. 1003.4285(1), F.S., relating to Standard High School Diploma Designations. The Department of Education concurs with repeal of this statute.¹⁴

High School to Business Career Enhancement Program¹⁵

The law was enacted in 2007 to offer qualified high school students in each school district the opportunity to participate in an internship program with local employers that have partnered with the school district.

The High School to Business Program is no longer being utilized. No districts are participating in the program¹⁶ and the program has not received funding since it was implemented in 2007.¹⁷

The bill repeals s. 1003.496, F.S., which created the High School to Business Career Enhancement Program. The Department of Education concurs with repeal of this statute.¹⁸

Rule 6A-6.0251, F.A.C., should be addressed in law, as well as any other requirements regarding the use of epinephrine auto-injectors, diabetes management, and pancreatic enzyme supplements).

⁸ Section 1002.375, F.S.

⁹ Staff of the Florida Department of Education, Agency Legislative Bill Analysis for HB 4185 (2011).

¹⁰ Florida Department of Education, Legislative Report on Alternative Credit for High School Courses Pilot, (2010).

¹¹ Section 1002.65, F.S.

¹² Section 1003.4285(1), F.S.

¹³ Senate Bill 4 (2010).

¹⁴ Email, Florida Department of Education, Office Governmental Relations (Dec. 12, 2011).

¹⁵ Section 1003.496, F.S.

¹⁶ Email, Florida Department of Education, Office of Governmental Relations (Oct. 13, 2011).

¹⁷ The Florida House of Representatives, PreK-12 Appropriations Subcommittee (Nov. 4, 2011).

Individual Education Plans for Exceptional Students¹⁹

The law was enacted in 2006 to require the Department of Education to coordinate with school districts to develop an online statewide electronic Individual Education Plan (IEP) system and to have that system in place for potential statewide use no later than July 1, 2007. The online statewide IEP system is known as the Portal to Exceptional Education Resources (PEER) system. Currently, there are over 30 districts using the PEER system. The requirement of law has been met and the deadline for the DOE to have a statewide IEP electronic system in place for statewide use has passed.

The bill repeals 1003.576, F.S., relating to Individual Education Plans for Exceptional Students. The Department of Education concurs with repeal of this statute.²⁰

Substance Abuse Training Programs²¹

The law was enacted in 1993 to allow state universities and Florida College System institutions to develop courses designed for public school teachers, counselors, physicians, law enforcement personnel, and other professionals to assist in recognizing symptoms of substance abuse impairment. The Substance Abuse Training Programs are no longer funded.²²

The bill repeals s. 1004.05, F.S., which created the Substance Abuse Training Programs. The Florida Board of Governors concurs with the repeal of this statute.²³

Incentives for Urban or Socially and Economically Disadvantaged Area Internships²⁴

The law was enacted in 1994 to establish the Incentives for Urban or Socially and Economically Disadvantaged Area Internships program to give university students the opportunity to study the social, economic, educational, and political life of inner cities in metropolitan or socially and economically disadvantaged areas of the state.

The Incentives for Urban or Socially and Economically Disadvantaged Area Internships program is no longer in operation²⁵ and has not received funding since the 1999-2000 academic year.²⁶

The bill repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. The Florida Board of Governors concurs with the repeal of this statute.²⁷

Provision of Information to Students and Parents Regarding School-to-Work Transition²⁸

The law was enacted in 1994 to require all public K-12 schools to document the manner in which they have prepared students to enter the workforce.

The provision of information to students and parents regarding school-to-work transition required in s. 1006.02, F.S., is no longer needed because s. 1003.491, F.S., The Florida Career and Professional Education Act, includes similar provisions.

¹⁸ Email, Florida Department of Education, Office of Governmental Relations (Dec. 12, 2011).

¹⁹ Section 1003.576, F.S.

²⁰ Email, Florida Department of Education, Office of Governmental Relations (Dec. 12, 2011).

²¹ Section 1004.05, F.S.

²² Telephone conversation with Budget Analyst, Florida House of Representatives, Higher Education Appropriations Subcommittee (Oct. 11, 2011).

²³ Email, State University System of Florida, Florida Board of Governors (Oct. 11, 2011).

²⁴ Section 1004.62, F.S.

²⁵ Email, State University System of Florida, Florida Board of Governors, Division of Academic and Student Affairs (Dec. 21, 2011).

²⁶ Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Nov. 4, 2011).

 ²⁷ Email, State University System of Florida, Florida Board of Governors, Division of Academic and Student Affairs (Dec. 21, 2011).
²⁸ Section 1006.02, F.S.

The bill repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-Work Transition.

Guidance Services²⁹

This statute was enacted in 2004 to require each district school board to annually submit a District Guidance Report to the Commissioner of Education by June 30. The Guidance Report must include, examination of student access to guidance counselors, degree to which the district has a guidance model program, evaluation of the information and training available to guidance counselors and career specialist to advise students on areas of critical need, labor market trends, and technical training requirements, progress toward incorporation of best practices, consideration of alternative guidance systems or ideas, including: teacher-advisor model, mentoring, business community partnerships and web-based delivery, and parental involvement; and submission of the district's guidance plan. The statute also directs the Department of Education to provide resources to assist school districts in preparing the required guidance report.

Currently, all school districts provide guidance services to their students as required. This statute simply adds additional reporting requirements and an additional workload on district staff.³⁰

The bill repeals s. 1006.025, F.S., relating to Guidance Services. The Department of Education concurs with repeal of this statute.³¹

Dropout Reentry and Mentor Project³²

The law was enacted in 1990 to create the Dropout Reentry and Mentoring Project. The project was designed to be coordinated on a pilot bases by the Florida Agricultural and Mechanical University National Alumni Association and was implemented in Tallahassee, Jacksonville, Daytona Beach, and Miami. The project assisted 15 African American students, in each of the four locations, who had dropped out of high school, but were not encountering academic difficulty when they left school, to reenter into a regular high school, GED program, career center, or alternative school.

The Dropout Reentry and Mentor Project is no longer operational.³³ The program has received no funding in over 10 years.³⁴

The bill repeals s. 1006.035, F.S., which created the Dropout Reentry and Mentor Project. The Florida Agricultural and Mechanical University concurs with the repeal of this statute.³⁵

Sunshine Workforce Solutions Grant Program³⁶

The law was enacted in 2002 to create the Sunshine Workforce Solutions Grant Program. The program was designed to provide grants to school districts on a competitive basis to fund all or some of the costs associated with establishing an exploratory program in nursing at the middle school level or a comprehensive career education program within a high school.

The Sunshine Workforce Solutions Grant Program was never implemented. No districts have participated in the program and the program was never funded.³⁷

³¹ *Id*.

²⁹ Section 1006.025, F.S.

³⁰ Email, Florida Department of Education, Office of Governmental Affairs (Dec. 12, 2011).

³² Section 1006.035 F.S.

³³ Email, Florida Agricultural and Mechanical University, Office of Governmental Relations (Oct. 12, 2011).

³⁴ Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Sept. 9, 2011).

³⁵ Email, Florida Agricultural and Mechanical University, Office of Governmental Relations (Oct. 12, 2011).

³⁶ Section 1006.051, F.S.

³⁷ Email, Florida House of Representatives, PreK-12 Appropriations Subcommittee (Sept. 6, 2011).

The bill repeals s. 1006.051, F.S., which created the Sunshine Workforce Solutions Grant Program. The Department of Education concurs with the repeal of this statute.³⁸

Statewide School Safety Hotline³⁹

The law was enacted in 1995 to allow the Department of Education to contract with the Florida Sheriff's Association to establish and operate a statewide toll-free school safety hotline. The hotline was a source for students to report criminal activity and to enhance the safety and welfare of students, faculty, and staff.

The law is obsolete. The Statewide School Safety Hotline is no longer funded and there has been no contract between the DOE and the Florida Sheriff's Association to operate the statewide toll-free school safety hotline for several years. In addition, the Florida Sheriff's Association, when under contract with the DOE to operate the hotline, was required to produce a quarterly report that evaluated the incidents that had been reported to the hotline. Since there has been no contract in several years, the Florida Sheriff's Association no longer produces a quarterly report.⁴⁰

The bill repeals s. 1006.141, F.S., which implemented the Statewide School Safety Hotline. The Florida Sheriff's Association concurs with the repeal of this statute.⁴¹

Sponsorships of Athletic Activities Similar to Those for which Scholarships Offered; Rulemaking⁴²

These statutes were enacted in 1986 to require public high schools, Florida College System (FCS) institutions, and state universities to align their sports offerings so that student athletes have the opportunity to play the sports for which collegiate scholarships are offered.

Although broadly applicable to all sports programs, these laws were implemented to require school districts that offered women's slow-pitch softball to also offer women's fast-pitch softball. At the time, women's slow-pitch softball was the version of softball sanctioned by the Florida High School Athletic Association (FHSAA) and sponsored by the majority of Florida's high schools and FCS institutions. Twenty FCS institutions were offering slow-pitch softball programs and were offering scholarships in the sport. Public high schools and FCS institutions offering only slow-pitch softball hampered student athletes' eligibility for fast-pitch softball scholarships offered by state universities.⁴³

Both FHSAA and the Florida Community College Athletic Association have indicated that these statutes are no longer necessary. Women's fast-pitch softball is the version of softball that is sponsored for competitive play by Florida's public high schools, FCS institutions, and state universities and sanctioned by all of the interscholastic and intercollegiate athletic associations in which these institutions compete.⁴⁴

The bill repeals ss. 1006.17 and 1006.70, F.S., relating to Sponsorships of Athletic Activities Similar to those for which Scholarships Offered.

STORAGE NAME: pcs4041.EDC

³⁸ Email, Florida Department of Education, Office of Governmental Relations (Dec. 12, 2011).

³⁹ Section 1006.141, F.S.

 ⁴⁰ Telephone conversation, Florida Sheriff's Association, Office of Emergency Management and Special Projects (Oct. 11, 2011).
⁴¹ Id.

⁴² Sections 1006.17 and 1006.70, F.S.

⁴³ Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90* (1986).

⁴⁴ Staff of the Florida Department of Education, Agency Legislative Bill Analysis for HB 4041 (2011).

Readiness for Postsecondary Education and the Workplace⁴⁵

The law was enacted in 1997 to allow schools, through their school advisory councils, the option of adopting a program in which students and parents develop academic achievement and career goals for the student's post high school experience during the middle grades and to develop a 4 to 5 year academic and career plan based on the student's postsecondary and career goals.

The provision in readiness for postsecondary education and the workplace required in s. 1007.21, F.S., is no longer needed because s. 1003.491, F.S., The Florida Career and Professional Education Act, includes similar provisions.

The bill repeals s. 1007.21, F.S., relating to Readiness for Postsecondary Education and the Workplace.

Joint Dual Enrollment and Advanced Placement Instruction⁴⁶

The law was enacted in 1987 to allow each school district, community college, and state university the option to conduct Advanced Placement (AP) instruction within Dual Enrollment Courses.

The statute does not comport with existing law regarding Dual Enrollment and AP, and "AP instruction within Dual Enrollment courses." A student must choose to pursue postsecondary credit through Dual Enrollment or Advanced Placement, but not both. Postsecondary credit may be earned by an AP student only when he or she scores at least a three on a five point scale on an Advanced Placement exam. Postsecondary credit may be earned by a Dual Enrollment student if he or she passes the course. Teacher and student qualifications differ for both programs and students currently have multiple opportunities to take both Dual Enrollment and Advanced Placement courses. The variety of options available to students makes this joint option unnecessary.

The bill repeals s. 1007.272, F.S., relating to Joint Dual Enrollment and Advanced Placement Instruction. The Department of Education concurs with the repeal of this statute.⁴⁷

Site-Determined Baccalaureate Degree Access⁴⁸

This subsection, established, as of July 1, 2010, an exemption for eligible Florida College System institutions from the existing process required to obtain approval for subsequent baccalaureate degree programs. To qualify for this exemption, a FCS institution must have received a Level 2 accreditation from the Southern Association of Colleges and Schools and must have been a baccalaureate-degree-granting institution that has offered baccalaureate degree programs at their institution for 3 years or more.

The FCS institutions that are eligible for this exemption are Chipola College, Miami Dade College, Edison State College, Northwest Florida State College, Daytona State College, Florida State College at Jacksonville, and Indian River State College. Broward College and Palm Beach College will become eligible later in 2012.⁴⁹

The subsection of law is not being utilized. No colleges have applied for the exemption from the State Board of Education's approval for subsequent baccalaureate degree programs.

The bill repeals s. 1007.33(6), F.S., relating to Site-Determined Baccalaureate Degree Access.

⁴⁵ Section 1007.21, F.S.

⁴⁶ Section 1007.272, F.S.

⁴⁷ Email, Florida Department of Education, Office of Governmental Relations (Dec. 12, 2011).

⁴⁸ Section 1007.33(6), F.S.

 ⁴⁹ Staff of the Florida Department of Education, Division of Florida Colleges, Agency Legislative Bill Analysis for SB 492 (2012).
STORAGE NAME: pcs4041.EDC
PAGE: 7
DATE: 1/24/2012

Definitions – Full-time Equivalent Student⁵⁰

The bill removes the provision that establishes 1/6 Full Time Equivalent (FTE) is earned under the Florida Education Finance Program (FEFP) for each credit successfully earned under the Alternative Credit Pilot Program because the pilot program is being repealed. No students earned alternative credit under the Alternative Credit Program; therefore, no FTE was earned under the FEFP for the pilot.

The bill makes conforming changes to s. 1011.61(1)(c)1.b.(VII), F.S.

The Department of Education concurs with repeal of this section.⁵¹

Transition to Teaching Program⁵²

This law was enacted in 2001 to create the Transition to Teaching Program. This program was designed to encourage and assist midcareer professionals who want to become teachers.

The Transition to Teaching program is no longer being funded and is no longer operational. The Florida DOE was awarded a Transition to Teaching grant by the United States Department of Education in 2003 and again in 2007. These grants ended in October 2011.⁵³

The bill repeals s. 1012.58, F.S. creating the Transition to Teaching Program. The Florida Department of Education concurs with the repeal of this statute.⁵⁴

B. SECTION DIRECTORY:

Section 1: Repealing s. 1001.435, F.S., relating to K-12 Foreign Language Curriculum. Section 2: Amending s. 1002.20, F.S., relating to K-12 Student and Parent Rights; removing rulemaking authority. Section 3: Repealing s. 1002.375, F.S., relating to Alternative Credit for High School Courses Pilot Project. Section 4: Repealing s. 1002.65, F.S., relating to Professional Credentials of Prekindergarten Instructors. Section 5: Repealing s. 1003.4285(1), F.S., relating to Standard High School Diploma Designations. Section 6: Repealing s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program. Section 7: Repealing s. 1003.576, F.S., relating to Individual Education Plans for Exceptional Students. Section 8: Repealing s. 1004.05, F.S., relating to Substance Abuse Training Programs. Section 9: Repealing s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. Section 10: Repealing s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-work Transition. Section 11: Repealing s. 1006.025, F.S., relating to Guidance Services. Section 12: Repealing s. 1006.035, F.S., relating to Dropout Reentry and Mentor Project. Section 13: Repealing s. 1006.051, F.S., relating to Sunshine Workforce Solutions Grant. Section 14: Repealing s. 1006.141, F.S., relating to the Statewide School Safety Hotline. Section 15: Repealing s. 1006.17, F.S., relating to Sponsorship of Athletic Activities Similar to those for which Scholarships are Offered. Section 16: Repealing s. 1006.70, F.S., relating to Sponsorship of Athletic Activities Similar to those for which Scholarships are Offered.

⁵⁰ Section 1011.61(1)(c)1.b.(VII), F.S.

⁵¹ Email, Florida Department of Education, Office of Governmental Relations (Dec. 12, 2011).

⁵² Section 1012.58, F.S.

⁵³ Email, Florida Department of Education, Office of Governmental Relations (Oct. 27, 2011).

⁵⁴ Email, Florida Department of Education, Office of Governmental Relations (Dec. 12, 2011).

Section 17: Repealing s. 1007.21, F.S., relating to Readiness for Postsecondary Education and the Workplace.

Section 18: Repealing s. 1007.272, F.S., relating to Joint Dual Enrollment and Advanced Placement Instruction.

Section 19: Repealing s. 1007.33(6), F.S., relating to Site-Determined Baccalaureate Degree Access.

Section 20: Conforming s. 1011.61(1)(c)1.b.(VII), F.S., reflecting repeal of s. 1002.375, F.S.

Section 21: Repealing s. 1012.58, F.S., relating to Transition to Teaching.

Section 22: Providing an effective date of upon becoming law.

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:
 - Applicability of Municipality/County Mandates Provision: Not applicable. The bill does not appear to affect county or municipal governments.
 - 2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.