

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB KCOS 11-02 Education Law Repeals

**SPONSOR(S):** K-20 Competitiveness Subcommittee

**TIED BILLS:**                   **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Competitiveness Subcommittee	13 Y, 0 N	Guilford	Ahearn

### SUMMARY ANALYSIS

The bill repeals obsolete provisions of law governing the criteria for awarding continuing contracts and professional service contracts. The bill also repeals teacher incentive programs that are no longer utilized and no longer funded. Those programs include the Preteacher and Teacher Education Pilot Programs, the Teacher Education Pilot Programs for High-Achieving Students, the Critical Teacher Shortage Program, and the Merit Award Program.

The bill amends other sections of law to make conforming changes.

The bill takes effect upon becoming law, except as otherwise provided.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The bill repeals the below-described teacher incentive programs and obsolete provisions of law governing the criteria for awarding continuing contracts and professional service contracts.

#### Preteacher and Teacher Education Pilot Programs<sup>1</sup> and the Teacher Education Pilot Programs for High-Achieving Students.<sup>2</sup>

The Preteacher and Teacher Education Pilot Programs were authorized in law in 1990. State universities and community colleges were to establish such programs to encourage promising minority students to prepare for a career in education. Pilot programs were to be designed to recruit and provide additional academic, clinical, and counseling support for students whom the state universities and community colleges judged to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards.

The Teacher Education Pilot Programs for High-Achieving Students were enacted in 2001. The Commissioner of Education was to authorize pilot teacher preparation programs to be established at colleges and universities with state-approved teacher education programs. These programs were to include a year-long paid teaching assignment and competency-based learning experiences and were to be designed to encourage high-achieving students, as identified by the state universities and community colleges, to pursue a career in education.

These two pilot programs are no longer being utilized by any teacher preparation program and are not funded.

The bill repeals s. 1004.04(11) and (12), F.S., relating to teacher education pilot programs. The Department of Education supports repeal of these provisions.

#### The Critical Teacher Shortage Program<sup>3</sup>

The Critical Teacher Shortage Program includes three separate programs, the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program.

The Florida Teacher Scholarship and Forgivable Loan Program became effective July 1, 1993. The program was established to provide scholarship assistance to eligible students for lower-division undergraduate study and loan assistance to eligible students in upper-division undergraduate and graduate study. The purpose of the program was to draw capable and promising students to the teaching profession, attract teachers to areas of projected or current critical teacher shortage, attract liberal arts and science graduates to teaching, and provide opportunity for persons making midcareer decisions to enter the teaching profession.

The Critical Teacher Shortage Tuition Reimbursement Program was established in 1983 to advance the skills and knowledge of current teachers or persons preparing to teach in critical teacher shortage areas.

The Critical Teacher Shortage Student Loan Forgiveness Program was also established in 1983 and was designed to encourage qualified personnel to seek employment in subject areas in which critical teacher shortages exist. The purpose of the program was to make repayments toward loans received

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<sup>1</sup> Section 1004.04(11), F.S.

<sup>2</sup> Section 1004.04(12), F.S.

<sup>3</sup> Section 1009.54, F.S.

by students from federal programs or commercial lending institutions to support postsecondary education study.

These programs are no longer funded. There were only 4,716 total participants in 2009 for all the Critical Teacher Shortage Programs combined.

The bill repeals s. 1009.54, F.S., relating to the Critical Teacher Shortage Program; s. 1009.57, F.S., relating to the Florida Teacher Scholarship Forgivable Loan Program; s. 1009.58, F.S., relating to the Critical Teacher Shortage Tuition Reimbursement Program; and s. 1009.59, F.S., relating to the Critical Teacher Shortage Student Loan Forgiveness Program. The bill also makes conforming changes to ss. 1003.52(10), 1009.40(1)(a), 1009.94(2)(c), and 1012.07, F.S. The Department of Education supports repeal of these provisions.

#### Merit Award Program for Instructional Personnel and School-Based Administrators; Merit Award Program End-of-Course Examinations; Merit Award Program Impasse Hearing

The Merit Award Program (MAP) was established in 2007. The program provides merit-based pay supplements for high-performing school employees in participating school districts. A school district that participates in MAP must be able to administer end-of-course examinations in all grade groupings and subjects for any year in which the district participates in the program.

In the 2010-11 school year, only three school districts participated in the Merit Award Program.<sup>4</sup>

Current law provides for an expedited impasse hearing for collective bargaining disputes between a school board and teacher's union regarding the Merit Award Program. Because the bill repeals the Merit Award Program, this impasse procedure is also repealed.

The bill repeals ss. 1012.225 and 1012.2251, F.S., relating to the Merit Award Program; repeals s. 447.403 (2)(c), F.S., relating to the impasse procedure, and makes conforming changes to ss. 1002.33(20)(a), 1003.52(10), 1009.40(1)(a), 1009.94(2)(c), 1012.07, F.S.

#### Contracts

Section 1012.33(3)(a), F.S., sets forth the requirements for awarding continuing contracts. Continuing contracts have not been awarded since 1984. This paragraph is obsolete with regard to continuing contracts. The remaining provisions in paragraph (a), and the provisions in paragraphs (b) and (c), regarding professional service contracts are superseded as a result of the passage of CS/CS/SB 736.

The bill takes effect upon becoming law, except as otherwise provided.

#### B. SECTION DIRECTORY:

**Section 1:** Repealing s. 1004.04(11) and (12), F.S.; relating to teacher education pilot projects.

**Section 2:** Repealing s. 1009.54, F.S.; relating to the Critical Teacher Shortage Program; s. 1009.57, F.S.; relating to the Florida Teacher Scholarship Forgivable Loan Program; s. 1009.58, F.S.; relating to the Critical Teacher Shortage Tuition Reimbursement Program; and, s. 1009.59, F.S.; relating to the Critical Teacher Shortage Student Loan Forgiveness Program.

**Section 3:** Repealing s. 1012.225, F.S.; relating to the Merit Award Program; and s. 1012.2251, F.S.; relating to assessments for awarding merit pay under the Merit Award Program.

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<sup>4</sup> Duval, Hillsborough, and Gilchrist. Email, Florida House PreK-12 Appropriations Subcommittee staff (March 11, 2011).

**Section 4:** Repealing s. 447.403 (2)(c), F.S.; relating to resolution of collective bargaining disputes concerning the Merit Award Program.

**Section 5:** Conforming s. 1002.33 (20)(a), F.S.; reflecting repeal of s. 1012.225, F.S.

**Section 6:** Conforming s. 1003.52 (10), F.S.; reflecting repeal of s. 1009.58, F.S.

**Section 7:** Conforming s. 1009.40 (1)(a), F.S.; reflecting repeal of ss. 1009.54 and 1009.57, F.S.

**Section 8:** Conforming s. 1009.94 (2)(c), F.S.; reflecting repeal of ss. 1009.54 and 1009.57, F.S.

**Section 9:** Conforming s. 1011.62(7)(d), F.S.; reflecting repeal of s. 1012.225, F.S.

**Section 10:** Conforming s. 1012.07, F.S.; reflecting repeal of ss. 1009.57, 1009.58, and 1009.59, F.S.

**Section 11:** Repealing s. 1012.33(3)(a), (b), and (c), F.S.; relating to the criteria for awarding continuing contracts and professional service contracts (effective July 1, 2011).

**Section 12:** Providing an effective date of upon becoming law, except as otherwise provided.

## **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:**

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

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

The bill does not reduce the percentage of a state tax sharing with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

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

None.