

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 7001      PCB KTS 13-01      Repeal of Education Provisions

**SPONSOR(S):** K-12 Subcommittee, Adkins

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	13 Y, 0 N	Beagle	Ahearn
1) Rulemaking Oversight & Repeal Subcommittee	12 Y, 0 N, As CS	Miller	Rubottom
2) Education Committee		Beagle	Mizereck

### SUMMARY ANALYSIS

This bill is a coordinated effort to reduce regulation of public educational institutions by the Governor, Legislature, district school superintendents, and other education stakeholders. In the 2012 interim, the K-12 Subcommittee was directed to identify unnecessary, obsolete, or unfunded K-20 Education Code requirements for repeal. Staff consulted the Office of the Governor, Department of Education (DOE), and other education stakeholders to identify potential repeals. Similarly, in October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. DOE disseminated a statewide survey soliciting recommendations from the remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these combined efforts. Accordingly, the bill repeals:

- Inactive or underutilized programs, including the Alternative Credit for High School Courses Pilot Project, High School to Business Career Enhancement Program, Incentives for Urban or Socially and Economically Disadvantaged Area Internships, Centers of Technology Innovation, Dropout Reentry and Mentor Project, Sunshine Workforce Solutions Grants, Florida Minority Medical Education Program, Transition to Teaching Program, School Infrastructure Thrift (SIT) Program, A Business-Community (ABC) School Program, and Effort Index Grants.
- Provisions that are unnecessary or duplicate other law, including state board review of school district compliance with the Family and School Partnership for Student Achievement Act, certain requirements regarding school-to-work transition and postsecondary and workforce readiness, school district reporting of suspensions and expulsions, provisions requiring alignment of public high school athletic programs with those offered by public postsecondary institutions, certain public postsecondary institution safety policies, and Commissioner of Education authority to grant exceptions to recommendations in educational plant surveys.
- Provisions that are not being implemented or contain outdated or expired statutory authority, including reporting of K-12 Foreign Language Curriculum plans, a DOE parent-response center, Florida School for the Deaf and the Blind authority to create a direct-support organization, high school diploma designations related to high school major areas of interest, high school graduation requirements for students who entered 9<sup>th</sup> grade before the 2007-08 school year, certain substance abuse training programs, the Florida Teachers Lead Program electronic management system pilot project, provisions relating to reduction of energy consumption by public postsecondary institutions, and exceptions to Special Facilities Construction Account millage contribution requirements granted to three school districts.
- Burdensome, incorrect, or unnecessary reporting requirements relating to K-12 public school recycling efforts, school board family involvement rules, school wellness and physical education policies, and paperwork reduction.

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:

##### **Background**

This bill is a coordinated effort to reduce regulation of public educational institutions by the Governor, Legislature, district school superintendents, and other education stakeholders. In the 2012 interim, the K-12 Subcommittee was directed to identify unnecessary, obsolete, or unfunded K-20 Education Code requirements for repeal. Staff consulted the Office of the Governor, Department of Education (DOE), and other education stakeholders to identify potential repeals. Similarly, in October 2012, the Governor selected seven district school superintendents to formulate recommendations for eliminating unnecessary or outdated statutes and State Board of Education rules. DOE disseminated a statewide survey soliciting recommendations from the remaining 60 superintendents. The statutes proposed for repeal by this bill are the product of these combined efforts.<sup>1</sup>

##### **Recycling**

Legislation enacted in 2010 required, among others, each state agency, local government, and “K-12 public school, public institution of higher learning, community college, and state university” to annually report all recycled materials to the appropriate county. The Department of Environmental Protection was directed to designate a reporting format, but has not done so. Thus, reporting by public sector entities has not yet commenced.<sup>2</sup>

The bill eliminates the recycling reporting requirement for K-12 public schools, as requested by school district superintendents.<sup>3</sup>

##### **K-12 Foreign Language Curriculum Plan Submittal**

Legislation enacted in 2002 required each district school board to develop a K-12 foreign language curriculum plan to be submitted to the Commissioner of Education by June 30, 2004. K-12 foreign language curriculum plans were submitted to the commissioner in 2004 and subsequently implemented by school districts.<sup>4</sup>

The bill repeals s. 1001.435, F.S., relating to K-12 Foreign Language Curriculum, as the purpose of this statute has been accomplished.

##### **Family and School Partnership for Student Achievement Act**

First enacted in 2003, the Family and School Partnership for Student Achievement Act established several requirements designed to strengthen collaboration among parents and school personnel.<sup>5</sup> Among other things, the Act requires DOE to establish a parent-response center; annual submission of family involvement rules by school boards to DOE; and annual State Board of Education review of school district's compliance with the Act.<sup>6</sup> The parent-response center does not exist, as DOE uses other means to assist parents and the public. DOE simply acknowledges receipt of school board family

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<sup>1</sup> Press Release, Florida Department of Education, *Superintendents Recommend Ways to Reduce Red Tape, Regulations* (Nov. 5, 2012), [http://www.fldoe.org/news/2012/2012\\_11\\_05-2.asp](http://www.fldoe.org/news/2012/2012_11_05-2.asp) (last visited Jan. 8, 2013). The superintendents of Bay County, Broward County, Charlotte County, Highlands County, Orange County, St. Johns County, and Volusia County school districts participated on the governor's panel. *Id.*

<sup>2</sup> Section 3, ch. 2010-143, L.O.F., *codified at* s. 403.7032(3), F.S.; Email, House Agriculture and Natural Resource Subcommittee, Policy Chief (Nov. 26, 2012).

<sup>3</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>4</sup> Section 1061, ch. 2002-387, L.O.F., *codified at* s. 1001.435, F.S.; Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011).

<sup>5</sup> Section 2, ch. 2003-118, L.O.F., *codified at* s. 1002.23, F.S.

<sup>6</sup> Section 1002.23(4), (6), and (9), F.S.

involvement rules, but does nothing further.<sup>7</sup> State board review of school board compliance with the Act duplicates another law which provides the Commissioner of Education authority to investigate school board noncompliance with state law and the state board authority to withhold funds for such noncompliance.<sup>8</sup>

The bill repeals subsections (4), (6), and (9) of s. 1002.23, F.S., relating to the parent-response center, school board reporting of parent involvement rules, and state board review of compliance with the Act, respectively. DOE and district school superintendents concur with these repeals.<sup>9</sup>

### **Florida School for the Deaf and the Blind Direct-Support Organization**

Legislation enacted in 2004 authorized the Florida School for the Deaf and the Blind (FSDB) board to establish a direct support organization (DSO). The DSO may receive, hold, invest, and administer property and make expenditures to or for the benefit of FSDB or the board.<sup>10</sup>

The bill repeals s. 1002.361, F.S., relating to a DSO for FSDB, as no DSO exists and FSDB has no future intent to create one. FSDB concurs with repeal of this statute.<sup>11</sup>

### **Alternative Credit for High School Courses Pilot Project**

Legislation enacted in 2008 established the Alternative Credit for High School Courses Pilot Project to enable high school students enrolled in industry certification courses to simultaneously earn credit in Algebra, Geometry, or Biology without having to enroll in a separate course.<sup>12</sup> In order to earn such credit, students were required to pass an end-of-course (EOC) assessment. The legislation required the Commissioner of Education to select up to three school districts to participate in the pilot project, beginning in the 2008-09 school year, and authorized DOE to approve eligible courses and EOC assessments.<sup>13</sup> Only one high school participated in the pilot project and no eligible students sought credit through the pilot program.<sup>14</sup>

The bill repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, which is no longer in existence, and has been made unnecessary by the Legislature's enactment of the Credit Acceleration Program (CAP) in 2010. Similar to the pilot project, CAP enables students to earn credit in courses tested by a statewide standardized EOC assessment without enrolling in the course. DOE and district school superintendents concur with repeal of this statute.<sup>15</sup>

### **Standard High School Diploma Designations**

Legislation enacted in 2006 required high school students to select a major area of interest comprised of four credits in a career, academic, or fine or performing arts content area, in order to earn a standard high school diploma.<sup>16</sup> Legislation enacted in 2008 created a standard high school diploma designation signifying the student's completion of a major.<sup>17</sup> Legislation enacted in 2010 repealed the major area of interest graduation requirement, but did not eliminate the diploma designation.<sup>18</sup>

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<sup>7</sup> Email, Florida Department of Education, Legislative Affairs Director (Aug. 20, 2012).

<sup>8</sup> See s. 1008.32, F.S.

<sup>9</sup> Email, Florida Department of Education, Legislative Affairs Director (Aug. 20, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>10</sup> Section 6, ch. 2004-331, L.O.F., *codified at* s. 1002.361, F.S.

<sup>11</sup> Telephone Interview, Florida School for the Deaf and the Blind, President (Oct. 17, 2012).

<sup>12</sup> Section 1, ch. 2008-174, L.O.F., *codified at* s. 1002.375, F.S.

<sup>13</sup> Section 1002.375(1), (2), and (4), F.S. The law authorizes use of a statewide standardized EOC assessment or EOC assessment developed by the Florida Virtual School for assessing student mastery of Algebra, Geometry, or Biology. Section 1002.375(4), F.S.

<sup>14</sup> Florida Department of Education, *Legislative Bill Analysis for HB 4185* (2011).

<sup>15</sup> Florida Department of Education, *Legislative Report on Alternative Credit for High School Courses Pilot*, (2010)(on file with the subcommittee); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012); see s. 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

<sup>16</sup> Section 23, ch. 2006-74, L.O.F., *codified at* s. 1003.428(2)(b)1., F.S.

<sup>17</sup> Section 8, ch. 2008-235, L.O.F., *codified at* s. 1003.4285(1), F.S.

<sup>18</sup> Section 3, ch. 2010-22, L.O.F.

The bill repeals s. 1003.4285(1), F.S., relating to the major area of interest diploma designation, which is now obsolete due to the repeal of the corresponding graduation requirement.

### **General Requirements for High School Graduation**

Since 2006, Florida law has specified two sets of high school graduation requirements. Section 1003.43, F.S., was enacted in 1978 and applies to students who entered 9<sup>th</sup> grade before the 2007-08 school year, whereas s. 1003.428, F.S., applies to students entering the 9<sup>th</sup> grade in the 2007-08 school year and thereafter. Six school years have passed since entering 9<sup>th</sup> graders have been subject to s. 1003.43, F.S.<sup>19</sup>

The bill repeals s. 1003.43, F.S., relating to the General Requirements for High School Graduation for students entering 9<sup>th</sup> grade before the 2007-08 school year. Despite repeal, these requirements will remain applicable to any students still enrolled in Florida public schools who were subject to them at the time they entered 9<sup>th</sup> grade.<sup>20</sup> DOE and district school superintendents concur with repeal of this statute.<sup>21</sup>

### **School Wellness and Physical Education Policies**

Legislation enacted in 2006 required each school district to provide the most recent version of its school wellness and physical education policy on its website. DOE was required to post on its website links to these policies.<sup>22</sup>

School wellness policies are required by federal law governing child nutrition programs. Legislation enacted in 2011 transferred oversight of federal child nutrition programs from DOE to the Department of Agriculture and Consumer Services (DACS). Accordingly, DACS, not DOE, posts school wellness policies on its website. However, the law was never changed reflect this.<sup>23</sup>

The DOE website includes a page devoted entirely to physical education. The webpage includes online links to school district physical education policies and numerous additional resources. Posting of physical education policies is the only resource that is statutorily required.<sup>24</sup>

The bill repeals s. 1003.453(2), F.S., relating to online posting of school wellness and physical education policies, thereby removing the outdated requirement that DOE post links to school wellness policies on its website. DOE and district school superintendents requested repeal of this outdated and unnecessary reporting requirement.<sup>25</sup>

### **High School to Business Career Enhancement Program**

Legislation enacted in 2007 established the High School to Business Career Enhancement Program, which authorizes school boards to adopt policies for providing high school students internships with local employers.<sup>26</sup> Among other things, participating students must earn at least a 2.0 GPA, internships

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<sup>19</sup> Chapter 78-424, L.O.F., initially codified at s. 232.246, F.S., redesignated in 2002 as s. 1003.43, F.S., and s. 23, ch. 2006-74, L.O.F., codified as s. 1003.428, F.S.

<sup>20</sup> *Memorial Hospital-West Volusia, Inc. v. News-Journal Corp.*, 784 So. 2d 438 (Fla. 2001) The general rule is that in the absence of clear legislative intent to the contrary, a law affecting substantive rights, liabilities and duties is presumed to apply prospectively. *Id.*

<sup>21</sup> Email, Florida Department of Education, Deputy General Counsel (Aug. 29, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>22</sup> Section 18, ch. 2006-301, L.O.F., codified at s. 1003.453(2), F.S.

<sup>23</sup> See Healthy, Hunger Free Kids Act of 2010, Pub. L. No. 111-296, 124 Stat. 3183; s. 8, 2011-217, L.O.F.; Florida Department of Agriculture and Consumer Services, *Wellness*, <http://www.freshforfloridakids.com/Sponsors/Programs/Wellness.aspx> (last visited Jan. 7, 2013)(see Florida Links to Local Wellness Policies).

<sup>24</sup> See, Florida Department of Education, *Physical Education*, [http://www.fldoe.org/BII/CSHP/Education/Physical\\_Ed/default.asp](http://www.fldoe.org/BII/CSHP/Education/Physical_Ed/default.asp) (last visited Jan. 7, 2013)(see Links to Florida School District's Physical Education Policies); see ss. 1003.453 and 1003.455, F.S.

<sup>25</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>26</sup> Section 1, ch. 2007-122, L.O.F., codified at s. 1003.496, F.S.

must be between 8 and 20 consecutive weeks in duration, and participants are limited to 20 work hours weekly and one internship annually.<sup>27</sup> No school districts have participated in this program in recent years.<sup>28</sup>

The bill repeals s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program, as the program is not currently being implemented by school districts.

### **Substance Abuse Training Programs**

Legislation enacted in 1993 authorized state universities and Florida College System (FCS) institutions to develop courses designed to train public school teachers, counselors, physicians, law enforcement personnel, and other professionals in recognizing symptoms of substance abuse impairment.<sup>29</sup> These programs are inactive and unfunded.<sup>30</sup>

The bill repeals s. 1004.05, F.S., which created the Substance Abuse Training Programs. DOE and the Board of Governors of the State University System (BOG) concur with the repeal of this statute.<sup>31</sup>

### **Incentives for Urban or Socially and Economically Disadvantaged Area Internships**

Legislation enacted in 1994 established 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 and economically disadvantaged areas of the state.<sup>32</sup> This program is not currently being implemented and has not received funding since FY 1999-2000.<sup>33</sup>

The bill repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. BOG concurs with the repeal of this inactive program.<sup>34</sup>

### **Centers of Technology Innovation**

Legislation enacted in 1994 authorized individual FCS institutions, consortia of multiple FCS institutions, or consortia of FCS institutions and other educational institutions to establish centers of technology innovation.<sup>35</sup> These centers were authorized to perform various functions, including curriculum and faculty development; research, testing, and technology transfer; instructional materials development; and the formation of partnerships with technology industries seeking to update or expand existing technology.<sup>36</sup> According to DOE, no such centers exist.<sup>37</sup>

The bill repeals s. 1004.77, F.S., relating to Centers of Technology Innovation, as the program is inactive. DOE concurs with repeal of this statute.<sup>38</sup>

### **Provision of Information to Students and Parents Regarding School-to-Work Transition**

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<sup>27</sup> Section 1003.496(2), F.S.

<sup>28</sup> Email, Florida Department of Education, Legislative Affairs Director (Nov. 4, 2011).

<sup>29</sup> Section 12, ch. 93-39, L.O.F., *initially codified at s. 240.70, F.S., redesignated in 2002 as s. 1004.05, F.S.*

<sup>30</sup> Telephone conversation with Budget Analyst, Florida House of Representatives, Higher Education Appropriations Subcommittee (Oct. 11, 2011).

<sup>31</sup> Email, Board of Governors, State University System of Florida, Legislative Affairs Director (Oct. 11, 2011); Email, Florida Department of Education, Legislative Affairs Director (Nov. 4, 2011).

<sup>32</sup> Section 38, ch. 94-230, L.O.F., *initially codified at s. 240.701, F.S., redesignated in 2002 as s. 1004.62*

<sup>33</sup> Email, Board of Governors, State University System of Florida, Director of Academic and Student Affairs (Dec. 21, 2011); Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Nov. 4, 2011).

<sup>34</sup> Email, Board of Governors, State University System of Florida, Director of Academic and Student Affairs (Dec. 21, 2011)

<sup>35</sup> Section 39, ch. 94-230, L.O.F., *initially codified at s. 240.3335, F.S., redesignated in 2002 as s. 1004.77, F.S.*

<sup>36</sup> Section 1004.77(2), F.S.

<sup>37</sup> Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011).

<sup>38</sup> *Id.*

Legislation enacted in 1994 required, among other things, each K-12 public school to document actions taken to prepare students for the workforce. Each public high school was required to assess each student's preparation for employment before graduation and provide the student and the student's parent with the results of the assessment.<sup>39</sup>

Subsequent legislation has increased the state's focus on workforce preparation. Among other things, each school district, in collaboration with the local workforce board and public postsecondary institutions serving the district, must develop a 3-year strategic plan for identifying high-demand career fields and creating career academies in those fields; recruiting students to enroll in career academies; providing personalized student advisement with parent participation; supporting education planning; and coordinating middle school and high school career education programs.<sup>40</sup> Additionally, middle school students must complete a career and education planning course which results in completion of an academic and career plan for the student.<sup>41</sup>

The bill repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-Work Transition, as these requirements have been supplanted by other provisions governing workforce preparation and education planning.

### **Dropout Reentry and Mentor Project**

Legislation enacted in 1990 created the Dropout Reentry and Mentoring Project, a pilot project to be implemented by the Florida Agricultural and Mechanical University National Alumni Association in Tallahassee, Jacksonville, Daytona Beach, and Miami.<sup>42</sup> The project assisted 15 African American students in each of these four locations who had dropped out of high school for reasons unrelated to academic difficulty. Participants received mentoring; academic evaluation for, and enrollment in, a regular high school, General Educational Development (GED) program, career center, or alternative school; and instruction regarding test-taking, study, goal setting, conflict management, and time management skills.<sup>43</sup> This project is no longer operational<sup>44</sup> and has received no funding in over 10 years.<sup>45</sup>

The bill repeals s. 1006.035, F.S., which created the Dropout Reentry and Mentor Project. The Florida Agricultural and Mechanical University and district school superintendents concur with repeal of this statute.<sup>46</sup>

### **Sunshine Workforce Solutions Grant Program**

Legislation enacted in 2002 created the Sunshine Workforce Solutions Grant Program, to provide school districts with grants for establishing nursing-themed middle school and high school career education programs.<sup>47</sup> The program was never implemented or funded.<sup>48</sup>

The bill repeals s. 1006.051, F.S., which created the Sunshine Workforce Solutions Grant Program. DOE and district school superintendents concur with repeal of this statute.<sup>49</sup>

### **Duties of School Principal relating to Student Discipline and School Safety**

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<sup>39</sup> Section 5, ch. 94-319, L.O.F., *initially codified at s. 229.595, F.S., redesignated in 2002 as s. 1006.02, F.S.*

<sup>40</sup> Section 1003.491(3), F.S.; *see e.g.* s. 1, ch. 2007-216 and s. 13, ch. 2012-191, L.O.F.

<sup>41</sup> Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

<sup>42</sup> Section 11, ch. 90-365, L.O.F., *initially codified at s. 228.503, F.S., redesignated in 2002 as s. 1006.035, F.S.*

<sup>43</sup> Section 1006.035(2), (5), and (7), F.S.

<sup>44</sup> Email, Florida Agricultural and Mechanical University, Governmental Relations Director (Oct. 12, 2011).

<sup>45</sup> Email, Florida House of Representatives, Higher Education Appropriations Subcommittee (Sept. 9, 2011).

<sup>46</sup> Email, Florida Agricultural and Mechanical University, Governmental Relations Director (Oct. 12, 2011); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>47</sup> Section 4, ch. 2002-230, L.O.F., *codified at s. 1006.051, F.S.*

<sup>48</sup> Email, Florida House of Representatives, PreK-12 Appropriations Subcommittee (Sept. 6, 2011).

<sup>49</sup> Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

Section 1006.09(1)(d), F.S., requires each school principal (or designee) to include an analysis of suspensions and expulsions in the annual report of school progress. Subsection (6) of s. 1006.09, F.S., requires each school principal to report data concerning school safety and discipline to DOE.<sup>50</sup> The discipline data reported to DOE includes information regarding suspensions and expulsions. Thus, it appears these two provisions are redundant.<sup>51</sup>

The bill repeals s. 1006.09(1)(d), F.S., relating to Duties of School Principal relating to Student Discipline and School Safety, as the information reported under this paragraph duplicates that reported under s. 1006.09(6), F.S. DOE and district school superintendents concur with repeal of this statute.<sup>52</sup>

### **Sponsorship of Athletic Activities Similar to those for which Scholarships are Offered**

Two substantively identical statutes enacted in 1986 required public high schools, FCS institutions, and state universities to align their sports offerings to enable opportunities for students to play sports for which collegiate scholarships are offered.<sup>53</sup> The law was specifically enacted in order to induce public schools to transition from slow pitch softball to fast pitch softball.<sup>54</sup>

The bill repeals ss. 1006.17 and 1006.70, F.S., relating to Sponsorship of Athletic Activities Similar to those for which Scholarships Offered. Fast-pitch softball is the version of softball currently sponsored by the Florida High School Athletic Association (FHSAA), the Florida College System Athletic Association (FCSAA), and the National Collegiate Athletic Association.<sup>55</sup> FHSAA and FCSAA concur with these repeals.<sup>56</sup>

### **Safety Issues in Courses Offered by Public Postsecondary Educational Institutions**

Legislation enacted in 2002 required the State Board of Education and BOG to adopt policies for protecting the health and safety of students, instructional personnel, and visitors who participate in courses offered by FCS institutions or state universities, respectively.<sup>57</sup> According to DOE, these safety policies are already required by federal law and accrediting bodies and included in affiliation contracts with hospitals and law enforcement agencies.<sup>58</sup>

The bill repeals s. 1006.65, F.S., relating to Safety Issues in Courses Offered by Public Postsecondary Institutions. DOE concurs with repeal of this statute.<sup>59</sup>

### **Readiness for Postsecondary Education and the Workplace**

Legislation enacted in 1997 required that entering 9<sup>th</sup> graders and their parents develop a four to five year academic and career plan while the student is in middle school, based upon the student's postsecondary and career goals.<sup>60</sup> Legislation enacted subsequently required middle school students to

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<sup>50</sup> Section 279, ch. 2002-387, L.O.F., *codified at* s. 1006.09(1)(d) and (6), F.S.

<sup>51</sup> Email, Florida Department of Education, Legislative Affairs Director, (Nov. 29, 2012).

<sup>52</sup> Email, Florida Department of Education, Legislative Affairs Director, (November 29, 2012); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>53</sup> Section 4, ch. 86-172, L.O.F., *initially codified at* s. 232.426, F.S., *redesignated in* 2002 as ss. 1006.17 and 1006.70, F.S.

<sup>54</sup> Staff of the Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90* (1986).

<sup>55</sup> Florida High School Athletic Association, *Sports and Programs*, <http://www.fhsaa.org/sports> (last visited Jan. 8, 2013); Florida College System Activities Association, *Athletics*, <http://www.thefcsaa.com/> (last visited Jan. 8, 2013); National Collegiate Athletic Association, *Championships List*, <http://www.ncaa.org/wps/wcm/connect/public/ncaa/championships/championships+list> (last visited Jan. 8, 2013).

<sup>56</sup> Florida Department of Education, *Legislative Bill Analysis for HB 4041* (2012).

<sup>57</sup> Section 335, ch. 2002-387, L.O.F., *codified at* s. 1006.65, F.S.

<sup>58</sup> Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011); *see e.g.*, 20 U.S.C. s. 1092(f) (requiring disclosure of campus security policies and crime statistics by postsecondary institutions participating federal financial aid programs).

<sup>59</sup> Letter from Agency Clerk, Florida Department of Education, to Attorney, Joint Administrative Procedures Committee (Nov. 17, 2011).

<sup>60</sup> Section 1, ch. 97-21, L.O.F., *initially codified at* s. 232.2451, F.S., *redesignated in* 2002 as s. 1007.21, F.S.

complete a career and education planning course which results in completion of an academic and career plan for the student.<sup>61</sup>

The bill repeals s. 1007.21, F.S., relating to Readiness for Postsecondary Education and the Workplace, as this provision is duplicative. DOE and district school superintendents concur with repeal of this statute.<sup>62</sup>

### **Paperwork Reduction**

Legislation enacted in 2010 required the Commissioner of Education to annually monitor and review paperwork, data collection, and reporting requirements and report recommendations for eliminating or consolidating such requirements to school districts.<sup>63</sup> Although this provision is intended to reduce paperwork, it actually creates more paperwork for DOE and school districts.

The bill repeals s. 1008.31(3)(d) and (e), F.S., relating to Paperwork Reduction. DOE and school district superintendents concur with repeal of these provisions.<sup>64</sup>

### **Florida Minority Medical Education Program**

Legislation enacted in 1991 established a scholarship program for minority students pursuing medical education at the University of Florida, the University of South Florida, Florida State University, and the University of Miami, or Southeastern University Health Sciences, for the purpose of addressing the primary health care needs of underserved groups.<sup>65</sup> According to DOE, the program has not been funded in 15 years.<sup>66</sup>

The bill repeals s. 1009.68, F.S., relating to the Florida Minority Medical Education Program. DOE concurs with repeal of this statute.<sup>67</sup>

### **Transition to Teaching Program**

Legislation enacted in 2001 created the Transition to Teaching Program to award grants for establishing programs to facilitate the transition of midcareer professionals into the teaching profession. An individual participating in programs created under the grant was eligible for financial assistance, upon condition that he or she commit to teach in a Florida school district for at least three years. The award of grants was contingent upon legislative funding.<sup>68</sup> DOE was awarded federal Transition to Teaching grants in 2003 and 2007. However, these grants expired in October 2011.<sup>69</sup>

The bill repeals s. 1012.58, F.S. creating the Transition to Teaching Program, which is inactive and no longer funded. DOE concurs with repeal of this statute.<sup>70</sup>

### **The Florida Teachers Lead Program**

The Florida Teachers Lead program provides a classroom materials and supplies stipend to each public school classroom teacher.<sup>71</sup> Legislation enacted in 2009, authorized DOE to establish a pilot program to study the feasibility of creating a centralized electronic system for managing Florida

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<sup>61</sup> Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

<sup>62</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>63</sup> Section 199, ch. 2010-102, L.O.F., *codified at* s. 1008.31(3)(d)-(e), F.S.

<sup>64</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>65</sup> Section 1, ch. 91-203, L.O.F., *initially codified at* s. 240.4987, F.S., *redesignated in* 2002 as s. 1009.68, F.S.

<sup>66</sup> Email, Florida Department of Education, Legislative Affairs Director (Jan. 4, 2012).

<sup>67</sup> *Id.*

<sup>68</sup> Sections 1 and 2, ch. 2001-219, L.O.F., *initially codified at* s. 229.604, F.S., *redesignated in* 2002 as s. 1012.58, F.S.

<sup>69</sup> Email, Florida Department of Education, Legislative Affairs Director (Oct. 27, 2011).

<sup>70</sup> Email, Florida Department of Education, Legislative Affairs Director (Dec. 12, 2011).

<sup>71</sup> Section 1012.71, F.S.



Teachers Lead Program disbursements. The program was authorized only for FY 2009-10. School district participation was voluntary and DOE was not required to implement the program if school district participation was insufficient to measure the viability of an electronic management system. According to DOE, no school districts agreed to participate and the program was never implemented.<sup>72</sup>

The bill repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program centralized electronic management system pilot program, as authority for the program has expired.

### **Florida College System Institution and University Energy Consumption**

Legislation enacted in 2010 required each FCS institution and state university to strive to reduce campus-wide energy consumption by 10 percent and submit a report to the Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2011, describing how this goal was met or providing a plan for meeting the goal in the future.<sup>73</sup> While this statute requires each FCS institution and state university to formulate a plan to reduce energy consumption by 10 percent, it does not require that they actually meet this goal. Furthermore, the report submission deadline of January 1, 2011, has passed.<sup>74</sup>

The bill repeals s. 1013.231, F.S., relating to reduction in energy consumption by FCS institutions and universities, as the purpose of this statute has been served.

### **Exception to Recommendations in Educational Plant Survey**

Legislation enacted in 1977 authorized school districts to request exceptions to recommendations made in an educational plant survey based upon potential cost savings or other educational benefits. These exceptions must be approved by the Commissioner of Education.<sup>75</sup> A separate provision of law similarly authorizes the commissioner to waive survey requirements upon school district request.<sup>76</sup>

The bill repeals s. 1013.32, F.S., relating to exceptions to recommendations in educational plant surveys. DOE concurs with repeal of this statute.<sup>77</sup>

### **School Infrastructure Thrift Program**

Legislation enacted in 1997 established the School Infrastructure Thrift (SIT) program, which was designed to reward school districts that achieved construction cost savings.<sup>78</sup> Among other things, the legislation required DOE to identify for elimination obsolete, excessively restrictive, and unnecessary education facilities regulations and practices.<sup>79</sup> School districts that achieved reduced costs per student station specified in statute were eligible to apply for SIT program awards.<sup>80</sup> The SIT program has not been funded since FY 2004-05, when funding was awarded to the Orange and Osceola County school districts.<sup>81</sup> A related program, the SMART Schools Clearinghouse, was repealed in 2010.<sup>82</sup>

The bill repeals ss. 1013.42 and 1013.72, F.S., relating to the SIT program. DOE concurs with these repeals.<sup>83</sup>

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<sup>72</sup> Section 37, ch. 2009-59, L.O.F., *codified at* s. 1012.71(6), F.S.

<sup>73</sup> Section 30, ch. 2010-155, L.O.F., *codified at* s. 1013.321, F.S.

<sup>74</sup> *See* s. 1013.231, F.S.

<sup>75</sup> Section 9, ch. 77-458, L.O.F., *initially codified at* s. 235.155, F.S., *redesignated in* 2002 as s. 1013.32, F.S.

<sup>76</sup> Section 1013.03(10), F.S.

<sup>77</sup> Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

<sup>78</sup> Section 22 ch. 97-153, L.O.F., *initially codified at* s. 235.2155, F.S., *redesignated in* 2002 as s. 1013.42, F.S.; Section 23, ch. 97-153, L.O.F., *initially codified at* s. 235.216, F.S., *redesignated in* 2002 as s. 1013.72, F.S.

<sup>79</sup> Section 1013.42(2), F.S.

<sup>80</sup> Section 1013.72(2), F.S.

<sup>81</sup> Email, Florida Department of Education, Legislative Affairs Director (Dec. 18, 2012).

<sup>82</sup> Chapter 2010-70, L.O.F.

<sup>83</sup> Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

## **A Business-Community School Program**

The A Business-Community (ABC) School Program encourages the formation of business and education partnership schools which operate in facilities owned or operated by a local business.<sup>84</sup> ABC schools may serve students in kindergarten through 3<sup>rd</sup> grade. Children of employees of the business must be given first preference for enrollment.<sup>85</sup> School districts are not required to establish an ABC school, nor do they need statutory authority to do so.

The bill repeals ss. 1013.502 and 1013.721, F.S., relating to the ABC School Program. School district superintendents concur with these repeals.<sup>86</sup>

## **Exceptions to Special Facilities Construction Account requirements**

The Special Facility Construction Account (SFCA) provides funding to school districts with urgent construction needs that cannot be met by existing resources or resources anticipated in the next three year period.<sup>87</sup> Among other things, school districts receiving SFCA funding must levy the maximum authorized discretionary millage for capital outlay (1.5 mills), or its equivalent from the school capital outlay surtax.<sup>88</sup> Legislation enacted in 2009 reduced this millage contribution for the school districts of Wakulla county (1 mill for FY 2009-10 and .5 mill for FY 2010-11), Liberty county (1 mill for FYs 2009-10 to 2011-12), and Calhoun county (1.125 mills for FYs 2009-10 to 2012-13).<sup>89</sup> This provision will be obsolete as of June 30, 2013, when Calhoun County's exception expires. Wakulla County's exception expired June 30, 2011, and Liberty County's exception expired June 30, 2012.<sup>90</sup>

The bill repeals s. 1013.64(7), F.S., relating to exceptions to SFCA millage contribution requirements, as the last exception expires June 30, rendering the provision obsolete. DOE concurs with repeal of this provision.<sup>91</sup>

## **Effort Index Grants**

Legislation enacted in 1997 provided grants to school districts which met a specified level of local effort funding, but still had a need for new student stations or core facilities to meet student demand.<sup>92</sup> The legislation provided a one-time appropriation of \$300 million for the grants, the last of which was disbursed in 2008.<sup>93</sup> A related program, the SMART Schools Clearinghouse, was repealed in 2010.<sup>94</sup>

The bill repeals s. 1013.73, F.S., relating to Effort Index Grants, which are no longer funded. DOE concurs with the repeal of this statute.<sup>95</sup>

## **Unused Rulemaking Provisions**

The bill repeals several statutory provisions containing duplicative, redundant, or unused rulemaking authority. These provisions include:

- Section 1001.26(3), F.S., rulemaking relating to the Public Broadcasting System.

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<sup>84</sup> Section 21, ch. 2003-391, L.O.F., *initially codified at* s. 1013.501, F.S., *redesignated in* 2006 as s. 1013.721, F.S. Initially known as the Florida Business and Education in School Together (Florida BEST) Program, the name of the program was changed to the ABC Schools Program in 2006. *Id.*

<sup>85</sup> Section 1013.721(2) and (5)(a), F.S.

<sup>86</sup> Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

<sup>87</sup> Section 1013.64(2)(a), F.S.

<sup>88</sup> Section 1013.64(2)(a)8., F.S.; *see* s. 1011.71(2), F.S.

<sup>89</sup> Section 40, ch. 2009-59, L.O.F., *codified at* s. 1013.64(7), F.S.

<sup>90</sup> Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

<sup>91</sup> *Id.*

<sup>92</sup> Section 5, ch. 97-384, L.O.F., *initially codified at* s. 235.186, F.S., *redesignated in* 2002 as s. 1013.73, F.S.

<sup>93</sup> Email, Florida House of Representatives, Education Appropriations Subcommittee, Analyst (Dec. 17, 2012).

<sup>94</sup> Chapter 2010-70, L.O.F.

<sup>95</sup> Email, Office of the Governor, Education Policy and Budget Analyst (Dec. 17, 2012).

- Section 1002.32(10), F.S., rulemaking relating to Developmental Research Schools.
- Section 1003.433(5), F.S., rulemaking relating to Out-of-state and Out-of-country Transfer Students.
- Section 1004.435(5)(c) and (d), F.S., rulemaking relating to Cancer Control and Research.
- Section 1004.45(2)(g), F.S., rulemaking relating to sale of art by the Ringling Center for Cultural Arts.
- Section 1007.35(10), F.S., rulemaking relating to Florida Partnership for Minority and Underrepresented Student Achievement.
- Section 1009.85, rulemaking relating to student loan programs.

Affected agencies were consulted regarding these repeals.

## B. SECTION DIRECTORY:

**Section 1.** Amends s. 403.7032 (3), F.S., relating to Recycling; removes K-12 public schools from recycling reporting requirement.

**Section 2.** Repeals s. 1001.26(3), F.S., containing duplicative, redundant, or unused rulemaking authority pertaining to the public broadcasting program system. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

**Section 3.** Repeals s. 1001.435, F.S., relating to K-12 Foreign Language Curriculum plans.

**Section 4.** Repeals s. 1002.23(4), (6), and (9), F.S., relating to Family and School Partnership for Student Achievement Act.

**Section 5.** Repeals s. 1002.32(10), F.S., containing duplicative, redundant, or unused rulemaking authority pertaining to developmental research schools. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

**Section 6.** Repeals s. 1002.361, F.S., relating to the Florida School for the Deaf and the Blind Direct Support Organization.

**Section 7.** Repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project.

**Section 8.** Repeals s. 1003.4285 (1), F.S., relating to Standard High School Diploma Designations.

**Section 9.** Repeals s. 1003.43, F.S., relating to General Requirements for High School Graduation (for students entering 9<sup>th</sup> grade before the 2007-08 school year).

**Section 10.** Repeals s. 1003.433(5), F.S., containing duplicative, redundant, or unused rulemaking authority pertaining to learning opportunities for certain high school students. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

**Section 11.** Repeals s. 1003.453(2), F.S., relating to School Wellness and Physical Education Policies.

**Section 12.** Repeals s. 1003.496, F.S., relating to the High School to Business Career Program.

**Section 13.** Repeals s. 1004.05, F.S., relating to Substance Abuse Training Programs.

**Section 14.** Amends s. 1004.435(5)(c) & (d), F.S., removing unnecessary or unused rulemaking authority of the Board of Governors and the State Surgeon General pertaining to awarding grants and contracts for certain cancer programs.

**Section 15.** Amends s. 1004.45(2)(g), F.S., removing duplicative, redundant, or unused rulemaking authority of Florida State University pertaining to the sale or exchange of works of art relating to the John and Mable Ringling Museum of Art.

**Section 16.** Repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships.

**Section 17.** Repeals s. 1004.77, F.S., relating to Centers of Technology Innovation.

**Section 18.** Repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-work Transition.

**Section 19.** Repeals s. 1006.035, F.S., relating to the Dropout Reentry and Mentor Project.

**Section 20.** Repeals s. 1006.051, F.S., relating to Sunshine Workforce Solutions Grants.

**Section 21.** Repeals s. 1006.09(1)(d), F.S., relating to Duties of School Principal relating to Student Discipline and School Safety.

**Section 22.** Repeals s. 1006.17 and 1006.70, F.S., relating to Sponsorship of Athletic Activities Similar to those for which Scholarships Offered.

**Section 23.** Repeals s. 1006.65, F.S., relating to Safety Issues in Courses Offered by Public Postsecondary Educational Institutions.

**Section 24.** Repeals s. 1007.21, F.S., relating to Readiness for Postsecondary Education and the Workplace.

**Section 25.** Repeals s. 1007.35(10), F.S., containing duplicative, redundant, or unused rulemaking authority pertaining to the Florida Partnership for Minority and Underrepresented Student Achievement. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

**Section 26.** Repeals s. 1008.31 (3)(d) and (e), F.S., relating to Florida's K-20 Education Performance Accountability System.

**Section 27.** Repeals s. 1009.68, F.S., relating to the Florida Minority Medical Education Program.

**Section 28.** Amends s. 1009.85, F.S., removing duplicative, redundant, or unused rulemaking authority pertaining to participation in the guaranteed student loan program. Section 1001.02(1), F.S., provides sufficient rulemaking authority for the State Board of Education.

**Section 29.** Repeals s. 1012.58, F.S., relating to the Transition to Teaching Program.

**Section 30.** Repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program.

**Section 31.** Repeals s. 1013.231, F.S., relating to Florida College System Institution and State University Energy Consumption.

**Section 32.** Repeals s. 1013.32, F.S., relating to Exceptions to Recommendations in Educational Plant Survey.

**Section 33.** Repeals ss. 1013.42 and 1013.72, F.S., relating to the School Infrastructure Thrift (SIT) Program.

**Section 34.** Repeals ss. 1013.502 and 1013.721, F.S., relating to the A Business-Community (ABC) School Program.

**Section 35.** Repeals s. 1013.64(7), F.S., relating to exceptions to Special Facilities Construction Account Millage contribution requirements.

**Section 36.** Repeals s. 1013.73, F.S., relating to Effort Index Grants.

**Section 37.** Amends s. 120.81, F.S., relating to Exceptions and special requirements; conforms provisions.

**Section 38.** Amends s. 250.115, F.S., relating to Department of Military Affairs direct-support organization; conforms provisions.

**Section 39.** Amends s. 409.1451, F.S., relating to Independent living transition services; conforms provisions.

**Section 40.** Amends s. 1001.11, F.S., relating to Commissioner of Education; conforms provisions.

**Section 41.** Amends s. 1002.20, F.S., relating to K-12 student and parent rights; conforms provisions.

**Section 42.** Amends s. 1002.33, F.S., relating to Charter schools; conforms provisions.

**Section 43.** Amends s. 1002.34, F.S., relating to Charter Technical Career Centers; conforms provisions.

**Section 44.** Amends s. 1002.45, F.S., relating to Virtual Instruction Programs; conforms provisions.

**Section 45.** Amends s. 1003.03, F.S., relating to Maximum Class Size; conforms provisions.

**Section 46.** Amends s. 1003.429, F.S., relating to Accelerated High School Graduation Options; conforms provisions.

**Section 47.** Amends s. 1003.438, F.S., relating to Special High School Graduation Requirements for Certain Exceptional Students; conforms provisions.

**Section 48.** Amends s. 1003.49, F.S., relating to Graduation and Promotion Requirements for Public Schools; conforms provisions.

**Section 49.** Amends s. 1004.70, F.S., relating to Florida College System Institution Direct-Support Organizations; conforms provisions.

**Section 50.** Amends s. 1004.71, F.S., relating to Statewide Florida College System Institution Direct-Support Organizations; conforms provisions.

**Section 51.** Amends s. 1006.025, F.S., relating to Guidance Services; conforms provisions.

**Section 52.** Amends s. 1006.15, F.S., relating to Student Standards for Participation in Interscholastic and Intrasccholastic Extracurricular Activities; conforms provisions.

**Section 53.** Amends s. 1007.263, F.S., relating to Florida College System Institution Admissions; conforms provisions.

**Section 54.** Amends s. 1007.271, F.S., relating to Dual Enrollment Programs; conforms provisions.

**Section 55.** Amends s. 1008.22, F.S., relating to Student Assessment; conforms provisions.

**Section 56.** Amends s. 1008.23, F.S., relating to Confidentiality of Assessment Instruments; conforms provisions.

**Section 57.** Amends s. 1009.40, F.S., relating to Student Eligibility for State Financial Aid; conforms provisions.

**Section 58.** Amends s. 1009.531, F.S., relating to the Florida Bright Futures Scholarship Program; conforms provisions.

**Section 59.** Amends s. 1009.94, F.S., relating to the Student Financial Assistance Database; conforms provisions.

**Section 60.** Amends s. 1011.61, F.S., relating to Definitions of Full-Time Equivalent Student; conforms provisions.

**Section 61.** Amends s. 1013.35, F.S., relating to School District Educational Facilities Plans; conforms provisions.

**Section 62.** Amends s. 1013.356, F.S., relating to Local Funding for Educational Facilities Benefit Districts or Community Development Districts; conforms provisions.

**Section 63.** Amends s. 1013.41, F.S., relating to SMART schools; conforms provisions.

**Section 64.** Amends s. 1013.64, F.S., relating to Funds for Comprehensive Educational Plant Needs; conforms provisions.

**Section 65.** Amends s. 1013.69, F.S., relating to Bonding Requirements for Participation in the Classrooms First Program; conforms provisions.

**Section 66.** Amends s. 1013.738, F.S., relating to the High Growth Capital Outlay Assistance Grant Program; conforms provisions.

**Section 67.** Provides that the bill takes effect 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:**

#### **1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to affect county or municipal governments.

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

None.

**B. RULE-MAKING AUTHORITY:**

By repealing ss. 1001.26(3), 1002.32(10), 1003.433(5), 1003.496, 1004.77, 1006.17, 1006.65, 1006.70, 1007.35(10), 1009.68, and 1013.42, F.S., and amending ss. 1004.435(5)(c) & (d), 1004.45(2)(g), and 1009.85, the bill repeals the rulemaking authority in these statutes previously identified as duplicative, redundant, or unused pursuant to s. 11.242(5)(j), F.S. In addition, the bill's repeal of ss. 1002.361, and 1006.051, F.S., also repeals unused rulemaking authority.

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

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On February 20, 2013, the Rulemaking Oversight & Repeal Subcommittee amended the bill to include repealing ss. 1001.26(3), 1002.32(10), 1003.433(5), and 1007.35(10), and amending ss. 1004.435(5)(c) & (d), 1004.45(2)(g), and 1009.85, to remove rulemaking authority in these statutes previously identified as duplicative, redundant, or unused pursuant to s. 11.242(5)(j), F.S. This analysis is drawn to the Committee Substitute.