

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Higher Education Appropriations

BILL: CS/SB 492

INTRODUCER: Higher Education Committee and Senator Braynon

SUBJECT: Education Law Repeals

DATE: January 22, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	Favorable
2.	Brown	deMarsh-Mathues	HE	Fav/CS
3.	Bryant	Hamon	BHI	Pre-meeting
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill repeals 23 provisions of law, including requirements related to the following:

- State Board of Education rules for the use of epinephrine auto-injectors by students, diabetes management and care, and prescribed pancreatic enzyme supplements;
- K-12 foreign language curriculum plans;
- Alternative course credit pilot program for students enrolled in nationally or state-recognized industry certification programs;
- Dropout reentry and mentor pilot project;
- Major areas of interest designation on high school diplomas;
- Electronic system for Individual Educational Plans;
- Joint dual enrollment and advanced placement courses;
- Exemptions to the traditional baccalaureate degree approval process;
- Sunshine Workforce Solutions Grant Program;
- Transition to Teaching Grant Program; and
- Sports and athletic offerings by school districts, Florida College System institutions, and state universities.

This bill repeals sections 1001.435, 1002.20(3)(i),(j),(k), 1002.375, 1002.65, 1003.4285(1), 1003.496, 1003.576, 1004.05, 1004.62, 1006.02, 1006.025, 1006.035, 1006.051, 1006.141, 1006.17, 1006.70, 1007.21, 1007.272, 1007.33(6)(a), 1011.61(1)(c)1.(VII), and 1012.58 of the Florida Statutes.

II. Present Situation:

Section 1001.435, F.S., requires district school boards to draft and submit a plan for a K-12 foreign language curriculum to the Commissioner of Education by June 30, 2004.

Section 1002.20(3)(i)-(k), F.S., requires rule adoption by the State Board of Education regarding the use of epinephrine auto-injectors by students, diabetes management and care, and prescribed pancreatic enzyme supplements.

Section 1002.375, F.S., requires the Commissioner of Education to implement a pilot program on alternative course credit for students enrolled in nationally or state-recognized industry certification programs, starting with the 2008 to 2009 school year.

Section 1002.65, F.S., provides aspirational academic credential goals for Voluntary Prekindergarten (VPK) instructors.

Section 1003.4285 (1), F.S., provides for major areas of interest to be designated on high school diplomas.

Section 1003.496, F.S., creates the High School to Business Career Enhancement Act, which allows districts to implement high school internships.

Section 1003.576, F.S., requires the Department of Education (DOE) to develop and have in place an electronic Individual Educational Plan (IEP) system by July 1, 2007.

Section 1004.05, F.S., authorizes public higher education institutions to develop courses to identify symptoms of substance abuse impairment and provide referrals.

Section 1004.62, F.S., creates incentives for urban or socially and economically disadvantaged area internships.

Section 1006.02, F.S., requires schools to document school-to-work transition to students and parents, which includes how schools have prepared students to enter the workforce.

Section 1006.025, F.S., requires district school boards to annually submit district guidance services reports to the Commissioner of Education.

Section 1006.035, F.S., creates the dropout reentry and mentor pilot project.

Section 1006.051, F.S., creates the Sunshine Workforce Solutions Grant Program to respond to critical nursing shortages.

Section 1006.141, F.S., authorizes the DOE to contract with the Florida Sheriffs Association to establish and maintain a statewide toll-free school safety hotline.

Section 1007.21, F.S., requires the development of academic and career goals during a student's middle school grades.

Section 1007.272, F.S., authorizes school districts, Florida College System (FCS) institutions, and state universities to conduct joint dual enrollment and advanced placement courses.

Section 1007.33(6), F.S., provides FCS institutions with an exemption to the traditional baccalaureate degree approval process by the State Board of Education.

Section 1011.61(1)(c)1.b.(VII), F.S., requires a calculation of successfully completed credits earned under the alternative high school course credit requirements that are unreported as part of the 900 net hours of instruction, at 1/6 FTE.

Section 1012.58, F.S., references the federal Transition to Teaching grant program.

Florida law requires district school boards that offer sports and athletic activities similar to those provided through scholarship by an FCS institution or state university to offer the exact version as that provided through scholarship.¹ If an FCS institution offers a sport or an athletic activity similar to one offered through athletic scholarship by a state university, the FCS institution must also offer that sport or athletic activity.² Two athletic activities or sports that are similar may be offered simultaneously. The law provides an exception for sports in which participation is minimal, and authorizes a school to offer an alternative sport or athletic activity.³

III. Effect of Proposed Changes:

The bill repeals provisions related to the following:

- s. 1002.65, F.S. providing aspirational academic credential goals for VPK instructors;

¹ ss. 1006.17 and 1006.70, F.S. The requirement for parity in athletic offerings originated with the sport of 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 the state's high schools and FCS institutions. Twenty FCS institutions offered slow-pitch softball scholarships. In contrast, three state universities had established women's fast-pitch softball programs and one university was offering scholarships for slow-pitch softball. Public high schools and FCS institutions offering only slow-pitch softball prevented eligibility for fast-pitch softball university scholarships. In March 1985, the FHSAA Board of Directors voted to continue its sanctioning of women's slow-pitch softball, rather than switch to sanctioning of fast-pitch softball. Chapter 86-172, L.O.F., requires school districts that offered women's slow-pitch softball to also offer fast-pitch softball, for the purpose of enhancing the ability of student athletes to access the full pool of postsecondary education scholarships. See DOE bill analysis, October 24, 2011, and legislative bill analyses for CS/HB 90 and SB 45 (1986), on file with the Senate Committee on Education Pre-K – 12. Today, women's fast-pitch softball is sanctioned by the FHSAA, the Florida College System Athletic Association (FCSAA), and the National Collegiate Athletic Association (NCAA), whereas slow-pitch softball is not sanctioned or recognized by any of these associations. Information on these organizations is available online at: <http://www.fhsaa.org/sports>; <http://www.thefcsaa.com/>; and <http://www.ncaa.org/>.

² *Id.*

³ *Id.*

- s. 1003.496, F.S. providing for High School to Business Career Enhancement high school internships;
- s. 1004.05, F.S. providing for postsecondary courses for public school teachers, counselors, physicians, and law enforcement personnel related to identifying symptoms of substance abuse impairment;
- s.1004.62, F.S. providing for postsecondary internships to study social problems unique to inner cities and other economically disadvantaged areas in Florida;
- s. 1006.02, F.S. providing for information to parents and students relating to a school's school-to-work transition initiatives;
- s. 1006.035, F.S. creating the dropout reentry and mentor pilot project;
- s. 1006.051, F.S. creating the Sunshine Workforce Solutions Grant Program to respond to critical nursing shortages;
- s. 1007.21, F.S. providing for academic and career goal plans for middle school students;
- s. 1007.272, F.S. providing for joint dual enrollment and advanced placement courses by school districts, FCS institutions, and state universities;
- s. 1007.33(6), F.S. providing for a Florida College System institution exemption from the traditional baccalaureate degree approval process; and
- s. 1011.61(1)(c)1.b.(VII), F.S. prescribing calculation of successfully completed credits earned under the alternative high school course credit requirements.

Additionally, the bill provides for the following repeals which the DOE specifically supports for the reasons cited:⁴

- s. 1001.435, F.S., requiring district school boards to submit a K-12 foreign language curriculum plan by June 30, 2004. The deadline has passed.
- s. 1002.20(3)(i)-(k), F.S., relating to rule adoption on the use of epinephrine auto-injectors by students, diabetes management and care, and use of prescribed pancreatic enzyme supplements. Rules have either been adopted or proposed.⁵
- s. 1002.375, F.S., providing for a pilot project pilot program on alternative course credit for students enrolled in nationally or state-recognized industry certification programs. The pilot was implemented and reported by the Commissioner of Education to the Governor, Senate President, and House Speaker as required by January 1, 2010.
- s. 1003.4285, requiring designation of majors. Students are no longer required to designate a major area of interest prior to graduation.
- s. 1006.025, F.S., providing for district guidance services reports. The DOE has implemented this provision and requires districts to submit information relating to guidance services with an online reporting format and provides a state guidance plan model, Florida's School Counseling Framework.

⁴ DOE bill analysis on CS/SB 492 (Draft), January 20, 2012, on file with the Senate Committee on Education Pre-K – 12.

⁵ Rule 6A-6.0251, F.A.C., addresses the use of epinephrine auto-injectors by students with life-threatening allergies. Rule 6A-6.0253, F.A.C., is currently being drafted in cooperation with the state Department of Health (DOH) to address management and care of students with diabetes. Regarding the use of prescribed pancreatic enzyme supplements by students with pancreatic insufficiency or cystic fibrosis, proposed Rule 6A-6.0252, F.A.C., has been drafted in cooperation with the DOH.

- s. 1006.141, F.S., providing authority for the DOE to contract with the Florida Sheriff's Association to create a school safety hotline. Funds are no longer available and some local governmental entities have made other arrangements.
- s. 1012.58, F.S., relating to the Transition to Teaching grants. Florida received a federal grant in 2001 and 2006. The latter expired October 31, 2011, and the U.S. Department of Education granted a one year no-cost extension to complete grant activities.⁶

Regarding the repeal of s. 1003.576, F.S., which requires an electronic IEP system, the DOE indicates that the system, Portal to Exceptional Education Resources (PEER), has been developed and disseminated to school districts. Of the 67 school districts, 28 actively participate on PEER, two are preparing to participate, and two indicate an initial interest. However, the DOE expresses concern that this repeal may remove its authority to continue to maintain the system.⁷

This bill repeals the requirement for a district school board to offer any sport or athletic activity for which an FCS institution or state university provides scholarships, if the district school board offers a similar sport. The bill repeals a similar requirement that an FCS institution must offer any sport or athletic activity for which a state university provides scholarships, where a similar sport or athletic activity is offered by the FCS institution. The bill also repeals two related provisions (the authority to offer an alternative sport or athletic activity if participation is minimal and the authority to simultaneously offer two similar athletic activities or sports.) According to the DOE, the directors for the FHSAA and the FCSAA indicated that these statutes are no longer necessary.⁸ Students may potentially lose some access to particular athletic scholarships. However, repealing these provisions from law does not preclude the practice of parity from continuing, subject to agreement between district school boards and postsecondary institutions.⁹ These repeals are not expected to adversely impact state universities as they would still be able to provide scholarships to students from schools that do offer the exact version of the sport.¹⁰

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶ DOE bill analysis on CS/SB 492 (Draft), January 20, 2012, on file with the Senate Committee on Education Pre-K – 12.

⁷ *Id.*

⁸ DOE bill analysis on SB 492, October 24, 2011, on file with the Senate Committee on Education Pre-K – 12.

⁹ The Board of Governors notes that the repeal of these provisions will have little, if any impact on students. Board of Governors bill analysis on SB 492, December 16, 2011, on file with the Senate Committee on Education Pre-K – 12.

¹⁰ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The DOE indicates that that the repeal of the provisions for sports and athletic offerings has no fiscal impact on the private sector.¹¹

The impact of the other statutory repeals on the private sector is unknown at this time.

C. Government Sector Impact:

The DOE notes that the repeal of the provisions for sports and athletic offerings has no fiscal impact on the state.¹² According to the Board of Governors, there is no fiscal impact on the state university system.¹³

The impact of the other statutory repeals on the public sector is unknown at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Higher Education Committee on January 19, 2012:

The committee substitute repeals the following provisions of law:

- s.1001.435, F.S., requiring district school boards to submit a K-12 foreign language curriculum plan by June 30, 2004;
- s. 1002.20(3)(i)-(k), F.S., relating to rule adoption for diabetes management and care, the use of epinephrine auto-injectors, and prescribed pancreatic enzyme supplements;
- s. 1002.375, F.S., providing for a pilot program on alternative course credit for students enrolled in nationally or state-recognized industry certification programs;

¹¹ DOE bill analysis on SB 492, October 24, 2011, on file with the Senate Committee on Education Pre-K – 12.

¹² *Id.*

¹³ Board of Governors bill analysis on SB 492, December 16, 2011, on file with the Senate Committee on Education Pre-K – 12.

- s. 1002.65, F.S., providing aspirational academic credential goals for Voluntary Prekindergarten (VPK) instructors;
- s. 1003.4285(1), requiring standard high school diplomas to include a designation of the student's major area of interest;
- s. 1003.496, F.S., allowing school districts to implement high school internships;
- s. 1003.576, F.S., requiring an electronic IEP system;
- s. 1004.05, F.S., authorizing public higher education institutions to develop courses to identify symptoms of substance abuse impairment and provide referrals;
- s. 1004.62, F.S., creating incentives for urban or socially and economically disadvantaged area internships;
- s. 1006.02, F.S., requiring schools to document school-to-work transition to students and parents;
- s. 1006.025, F.S., providing for district guidance services reports;
- s. 1006.035, F.S., creating the dropout reentry and mentor pilot project;
- s. 1006.051, F.S., creating the Sunshine Workforce Solutions Grant Program to respond to critical nursing shortages;
- s. 1006.141, F.S., providing authority for the DOE to contract with the Florida Sheriff's Association to create a school safety hotline;
- s. 1007.21, F.S., requiring the development of academic and career goals during a student's middle school grades;
- s. 1007.272, F.S., authorizing school districts, FCS institutions, and state universities to conduct joint dual enrollment and advanced placement courses;
- s. 1007.33(6)(a), F.S., providing FCS institutions with an exemption to the traditional baccalaureate degree approval process;
- s. 1011.61(1)(c)1.b.(VII), F.S., relating to a calculation of successfully completed credits earned under the alternative high school course credit requirements; and
- s.1012.58, F.S., relating to Transition to Teaching grants.

B. Amendments:

None.