

STORAGE NAME: h1193.ge.doc
DATE: March 27, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GENERAL EDUCATION
ANALYSIS**

BILL #: HB 1193
RELATING TO: Teacher Quality
SPONSOR(S): Representative Arza

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) GENERAL EDUCATION
 - (2) STATE ADMINISTRATION
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
-

I. SUMMARY:

HB 1193 implements many of the proposals of the Governor and the Department of Education (DOE), as they relate to grades K-12. The bill:

- Revises provisions relating to the reemployment of retired teachers
- Allows principals veto power over assignment of teachers to their school
- Deletes provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools.
- Authorizes the use of an approved alternative certification program by a district other than that which developed the program.
- Creates provisions relating to certification of adjunct educators.
- Requires each district school board to develop policies and procedures relating to the reporting of complaints against teachers. Authorizes the withholding of discretionary funds from a school district, and the imposition and collection of fines against a school district and superintendent, for noncompliance.
- Authorizes the temporary suspension of a teacher's certificate, pending the completion of proceedings in order to protect the health, safety, and welfare of students.
- Requires a school board, subject to applicable collective bargaining requirements, to recognize and accept years of service from other districts for purposes of pay and retirement.
- Requires the Department of Education to develop and implement a system for posting teacher vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, and identify best practices for retaining high-quality teachers.
- Repeals provisions relating to bonuses for schools offering IB and AP courses and re-inserts the language for the advanced placement instruction bonus program to teachers into another section of the Florida Statutes.
- Provides a waiver of nine semester hours of professional education course requirements for certain teacher preparation program participants.
- Clarifies requirements for mentor teachers.
- Other changes include provisions relating to standards for staff of prekindergarten early intervention programs; periodic criminal history checks.

The DOE expressed a number of fiscal concerns. See Fiscal Comments section of this analysis.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Projected teacher shortage in Florida

A study by the Office of Economic and Demographic Research, of the Florida Legislature, projects that over the next 10 years there will be a need for 162,000 teachers to replace the teachers expected to retire or otherwise terminate their employment in Florida's public schools. Demographics indicate that the need for teachers will be remarkably steady, spread out over the ten years, with a projection of almost exactly 16,000 new teachers each year.

The figure of 16,000 teachers needed per year represents the number of *gross* vacancies (the number of teaching positions that will come open). Of these gross vacancies:

- 36% will be in elementary education
- 26% will be Exceptional Student Education (ESE)
- 9% will be in math or computer science
- 6% will be in vocational education
- 5% will be in science
- 1% will be in foreign language
- 26% will be in everything else

The report states that known sources (colleges and universities with teacher education programs, and out-of-state recruitment, primarily) will supply around 85% of the need, leaving only a 15% gap to be filled through other means. This gap is projected to be a need of around 2,400 teachers per year.

The figure of 2,400 represents the *net* vacancies (those positions which are expected to come open and *which are not projected to be filled by waiting candidates*). And, net vacancies present a different picture than gross vacancies. Because there appears to be a substantial number of persons who are projected to become qualified in the areas such as elementary education and ESE, other subject matter areas are the areas that will primarily need recruitment and development. Therefore, among the net vacancies:

- 29% will be in vocational education

- 13% will be in math
- 13% will be in ESE
- 9% will be in elementary education
- 8% will be in science
- 5% will be in foreign language
- 23% will be in everything else

This means that over the next 10 years, according to the projected *net* vacancies, each year Florida will need to find:

671 vocational education teachers
316 math teachers
300 ESE teachers
223 elementary teachers
200 science teachers
129 foreign language teachers
671 teachers in all other categories

Alternative certification of teachers (In general)

A study produced by DOE, in "Review of Florida Educator Certification," discussed the "alternative certification" issue and debate at length. Alternative certification is a strategy to allow persons who have not graduated from an approved teacher preparation program, but who have sufficient knowledge in the subject matter area, to teach (example: math or science majors who took no courses in teaching).

As the study reports, proponents and positions within the debate over the efficacy of alternative certification are many. From one perspective, universities have a vested interest in maintaining their domain over the preparation of teachers, asserting that programs outside colleges of education dilute the base of knowledge that identifies teaching as a profession. However, as just discussed, *the universities have not been able to fill the need for teachers, and are not projected to be able to do so in the future.* Meanwhile, local school districts clamor for a workforce that is adequate in both number and caliber to meet the educational needs of their growing student populations, yet may be ambivalent about assuming the primary responsibility of training new teacher candidates. Wedged between those positions, state departments of education are pressured to respond to critical shortages of teachers, to assist school districts by supplying a cadre of employees who hold some type of state-issued certificate to teach, and to maintain rigorous state standards for entry into the teaching profession.

New Jersey took the lead in 1984 to bridge the divide between an inadequate supply of full-blown, university-trained teachers and the stopgap remedy of issuing emergency certificates. The state enacted a highly centralized alternative certification program, characterized by regional training centers with district-based supervision of all candidates. Other states have followed, with various plans and models. The questions remain:

- Do non-traditional methods of teacher training transform teaching from a profession into a craft that can be mastered through on-the-job training?
- Or do thoughtfully designed alternative routes to certification offer a valid means of attracting individuals whose grounding in a subject field is often greater than that of the traditional education major?

- Can alternative teacher certification “alleviate teacher shortages while maintaining educational quality?”

Alternative certification of teachers in Florida

Florida offers a number of alternative routes to certification for applicants who have not graduated from an approved teacher preparation program. Florida's alternative routes provide a means by which an applicant can qualify for and hold a nonrenewable temporary certificate while completing professional preparation requirements in addition to satisfaction of the education competency demonstration, and the certification examinations.

Completion of the 20 semester hours or professional preparation required by State Board of Education Rule 6A-4.006(2), Florida Administrative Code, can be accomplished in one of two ways. The most frequently used avenue is to satisfy the six hour student teaching requirement by completing two years of full time teaching and to take whatever courses are available at the closest institution during employment with the temporary certificate. Section 231.17(6), F. S. permits these individuals to hold an additional two-year temporary certificate to afford them additional time for completion of the professional preparation coursework.

Section 231.17 (7)(b), Florida Statutes, provides another mechanism for satisfying the professional preparation. District school systems may develop a competency-based alternative certification program by which instructional staff may satisfy the required professional preparation without pursuing the "a la carte" college course work route.

The district-developed program must be approved by the Department of Education, must include methods of identifying each participant's entry-level teaching competencies, and must require each applicant to:

- Have expertise in the subject;
- Meet requirements for specialization in a subject area in which certification is offered in Florida;
- Complete training in only those competency areas in which deficiencies are identified; and
- Complete the program and demonstrate professional education competence within two years after initial employment.

Legislation was passed in 2000 (s. 231.17[7][a]), F.S.) which directed the DOE to develop an alternative certification program by July 1, 2002. At that date, the program developed by DOE shall supercede the programs developed by each individual district.

See Section-by-Section portion of this analysis for additional details on the present situation related to each section.

C. EFFECT OF PROPOSED CHANGES:

Provisions in the bill are designed to address the prospective shortage of teachers in Florida. These provisions:

- Create the position of adjunct teacher
- Revise provisions relating to the reemployment of retired teachers

- Require the Department of Education to develop and implement a system for posting teacher vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, and identify best practices for retaining high-quality teachers.
- Provide a waiver of nine semester hours of professional education course requirements for certain teacher preparation program participants.
- Clarify requirements for mentor teachers.
- Amend provisions relating to standards for staff of prekindergarten early intervention programs; periodic criminal history records checks; employment of substitute teachers, teachers of adult education, non-degreed teachers of career education, and career specialists; professional service contracts, part-time teachers; and athletic trainers to include adjunct educators.

Other major provisions include:

- Authorizing the temporary suspension of a teacher's certificate, pending the completion of proceedings in order to protect the health, safety, and welfare of students.
- Allow principals veto power over assignment of teachers to their school

D. SECTION-BY-SECTION ANALYSIS:

Reemploying retired teachers

Section 1. Amends s. 121.091, F.S.

CURRENT SITUATION:

Currently, retired teachers and administrators must wait 12 months before they can be reemployed without effecting receipt of their retirement benefits.

EFFECT OF PROPOSED CHANGES:

Allows school districts to reemploy teachers or administrators who have been retired for at least a month, allowing those re-hired persons to draw their retirement monies in addition to their agreed-upon salary. If the retired teacher is reemployed within a month of having retired, the teacher must void any claim he had filed being paid retirement benefits simultaneously with his agreed-upon salary.

(SEE "CONSTITUTIONAL ISSUES", UNDER THE "COMMENTS" SECTION OF THIS ANALYSIS)

Adjunct teachers

Section 2. Amends s. 228.041, F.S.

CURRENT SITUATION:

Official state estimates show that more than 162,000 new instructional personnel will be needed in Florida between now and 2110. According to DOE, in this year alone, more than 14,000 teachers are expected to resign or terminate their employment.

There are no current statutory provisions for persons who have subject area expertise but are not teacher trained to be certified and hired as instructors for Florida's public schools.

EFFECT OF PROPOSED CHANGES:

Places adjunct educators within the definition of "instructional personnel," making them a variety of "other instructional staff " in paragraph (d) of s. 228.041(9), F.S.

**Requiring approval of principals before assigning teachers to their school/
Removing supplements for teachers at "D" and "F" schools**

Section 3. Amends s. 230.23, F.S.

CURRENT SITUATION:

Currently, district school boards can now assign instructional personnel to a school without needing to seek approval from the principal. Currently, the section contains provisions:

- Giving a teacher who is assigned to a "D" or "F" school, or an alternative school for disruptive or violent youths, on the basis of his or her performance appraisal and student performance data, an annual supplement of between \$1,000 and \$3,500.
- Making a teacher who is deemed effective by positive learning gains of his or her students, as measured by FCAT, and who chooses to teach at a "D" or "F" school, or an alternative school for disruptive or violent youths, eligible for an annual supplement of between \$1,000 and \$3,500.
- Providing that in the absence of FCAT assessment, learning gains shall be as provided in s. 229.57(12), F.S., and that any supplement received due to these provisions shall be in addition to any other local or state incentives based upon performance.

This year, no funds are in the House budget for the purpose of the supplements.

EFFECT OF PROPOSED CHANGES:

Gives the school principal veto power over assignment of instructional personnel by the district. Also, it strikes statutory language that provides supplements to teachers in "D" and "F" schools.

Authority of the superintendent to assign teachers

Section 4. Amends s. 230.33, F.S.

CURRENT SITUATION:

Currently, the school district superintendent may assign a teacher to any school within his district without having to obtain approval from that school's principal.

EFFECT OF PROPOSED CHANGES:

Prohibits the district superintendent from recommending assignment of instructional personnel, unless approved by the school principal.

Alternative certification

Section 5. Amends s. 231.17, F.S.

CURRENT SITUATION:

Currently, school districts may develop an alternative certification program that is approved by the Department of Education, but no current statute specifically allows districts to accept other districts' alternative certification programs.

EFFECT OF PROPOSED CHANGES:

Allows a school to use an alternative certification program which has been developed by another school, provided they notify DOE of their action, and provided DOE approves of any modifications made to that other school's alternative certification plan.

Certification of Adjunct Educators

Section 6. Creates s. 231.1726, F.S.

CURRENT SITUATION:

Official state estimates show that more than 162,000 new instructional personnel will be needed in Florida between now and 2110. According to DOE, in this year alone, more than 14,000 teachers are expected to resign or terminate their employment.

Currently, there is no provision allowing persons with a single, strong area of expertise to enter the classroom as a teacher. Examples would be:

- A retired attorney who wants to teach a government class at his local high school;
- An ex-pro football player who wants to do part-time coaching;
- An IBM systems engineer who wants to teach computer science;
- An ex-NASA scientist who wants to teach physics; or
- An ex-military person who wants to teach history.

EFFECT OF PROPOSED CHANGES:

Provides for certification of adjunct (part-time) educators. Adjunct teachers will be persons whose life experience, or years of work, qualify them to teach, yet who may not have academic qualifications or meet other requirements of the normal teacher certification process.

Provides that an adjunct teacher may be certified without having complied with certain paragraphs of s. 231.17(2), F.S. These paragraphs require the prospective teacher to show, through either acceptable examination passage, through holding a teaching certificate from another state (along with other qualification requirements), or through passage of various educational coursework, that they are qualified in areas termed (1) Mastery of General Knowledge; (2) Mastery of Subject Area Knowledge; and (3) Mastery of Professional Preparation and Education Competence.

The effect of removing these areas of qualification from the qualifications required for adjunct teachers is that it will allow these adjunct teachers to serve prior to having to pass an examination or take numerous hours of education school class work.

The section also requires that the district must assign a "peer teacher" to assist these adjunct teachers in their first year of teaching, and shall also provide the adjunct teacher with an orientation in classroom management, prior to assignment.

The section also provides that the adjunct teacher certificate shall be good for five years, and may be renewed under specified circumstances relating to completion of certain college course work, and a satisfactory evaluation during each year of teaching as an adjunct teacher.

Finally, the section provides that the adjunct teacher shall have all the rights and protections as other teachers.

**Responsibility of the district and the superintendent to report complaints against teachers
and
Authority of the Education Commissioner to temporarily suspend a certificate**

Section 7. Amends s. 231.262, F.S.

CURRENT SITUATION:

(Reporting complaints against teachers)

School districts are required to file in writing all legally sufficient complaints within 30 days after the date the complaint comes to the attention of the school district. However, there are currently no penalties in place if the school districts and/or superintendents do not comply with this statute.

(Power to issue an "emergency" suspension)

Currently, the DOE (through its Office of Professional Practice Services) investigates complaints against certified teachers. It takes action against the teacher only if:

- Legal sufficiency is determined;
- Evidentiary sufficiency is present;
- Probable cause to proceed is found (by the Commissioner);
- The teacher doesn't surrender his license;
- The teacher defaults, is found guilty by informal or formal (DOAH) hearing; and
- The Education Practices Commission takes final action, issuing a Final Order.

Neither the Education Practices Commission, nor the Commissioner of Education has the power or authority to issue anything like an "emergency suspension," such as that available to other agencies (such as the Secretary of the Department of Business and Professional Regulation, in s. 455.225[8]).

EFFECT OF PROPOSED CHANGES:

(Reporting complaints against teachers)

The section adds language that states that each district school board shall develop policies and procedures to comply with the reporting requirement for complaints against certified educators and to ensure that the superintendent is promptly informed of each legally sufficient complaint. The superintendent is charged with knowledge of these policies and procedures and is presumed to have knowledge of each legally sufficient complaint. If either the school board or the superintendent fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the Commissioner of Education may permanently withhold all or a portion of discretionary funds that might otherwise be available to such school district during the period of noncompliance, and may also impose and collect a fine against such school district and superintendent in an amount not to exceed \$1,000 for each day of noncompliance. The school district and the superintendent shall be jointly and severally liable for such fine.

(Power to issue an "emergency" suspension)

In 231.262 (5), new language is added that provides for the protection of the health, safety, and welfare of a minor student by authorizing the Commissioner of Education to temporarily suspend the certificate of a certificateholder pending the completion of the proceedings and determination of sanctions, if any, pursuant to this section and s. 231.2615. The certificateholder may at any time request in writing that the Commissioner set aside the temporary suspension, and the Commissioner may do so with or without conditions. If the Commissioner refuses to set aside the temporary suspension, or if the certificateholder contends that the Commissioner's conditions are unreasonable, a certificateholder whose certificate is suspended under this subsection may seek review of the temporary suspension by the Education Practices Commission. The Education Practices Commission shall conduct a formal review of the matter and issue an order sustaining or overturning the temporary suspension, or setting it aside under specified conditions.

Transfer of years-of-service

Section 8. Amends s. 231.36, F.S.

CURRENT SITUATION:

Currently, districts limit the use of teaching experience from other districts or states. That is to say, when a teacher comes from outside of a school district the district may limit the number of years it will "credit" the new employee with, in terms of salary and other benefits. This limit varies from district to district.

EFFECT OF PROPOSED CHANGES:

This section provides that each employee who enters into a professional service contract in a school district in which the employee was not employed as of June 30, 2001, for purposes of pay and retirement a school board must, subject to any applicable collective bargaining requirements, recognize and accept each year of full-time teaching service, as reported for purposes of the Florida Retirement System, for which an employee received a satisfactory performance evaluation.

Posting of teacher vacancies

Section 9. Amends s. 231.625, F.S.

CURRENT SITUATION:

Currently, there are no statutory requirements for the Department of Education to provide a system of posting teaching vacancies to keep a database of teacher applicants. The Department reports that it has established a web site called "TeachInFlorida.com" that does begin to address these issues, and posts such information.

EFFECT OF PROPOSED CHANGES:

This section provides that the Department of Education shall develop and implement a system for posting teaching vacancies and establish a database of teacher applicants which is accessible within and outside the state. It also requires the DOE to: (1) Develop a long-range plan for recruitment and retention of teachers; (2) Identify the best practices for keeping quality teachers, and (3) Establish, on a system available both inside and outside the state, a database of teacher vacancies and teacher applicants.

Advanced placement bonus program

Section 10. Creates s. 231.675, F.S.

CURRENT SITUATION:

Currently, school districts are given a bonus (weighted funding) by the state if they offer an advanced placement course (AP) or an International Baccalaureate program (IB). The bonus is according to a formula, and is provided according to how many students are in the programs and who score sufficiently high on the appropriate examinations. At least 80 percent of the funds going to the district must go to the high school where the AP courses are offered. Also, the district must distribute specific amounts to the teachers who provide the AP instruction. Teachers receive:

- \$50 for each advanced placement student they taught the previous year who scored a 3 or higher on the College Board Advanced Placement Test.

- \$500 if they taught in a school that received a "D" or "F," yet had at least one student score a 3 or higher on the College Board Advance Placement Test.

These bonuses may not exceed \$2,000 in any given school year.

EFFECT OF PROPOSED CHANGES:

The statutory language for providing bonuses to teachers who teach the AP courses is moved to a newly created section of the Florida Statutes. The dollars for the bonus to the district (and passed on to the school offering the AP course) will be distributed through the FEFP.

Florida Mentor Teacher School Pilot Program

Section 11. Amends section 231.700, F.S.

CURRENT SITUATION:

The Mentor Teacher School Pilot Program was established last year, and eight schools are currently participating in this pilot program. Currently, the law stipulates that participating teachers are required to hold professional certificates. According to the DOE, this language was added in error to the bill creating this pilot program last year.

EFFECT OF PROPOSED CHANGES:

Makes changes to requirements for the associate teacher of the five teacher career development positions in the Florida Mentor Teacher School Pilot Program. Whereas the associate teacher was previously required to hold a valid Florida professional certificate, this amendment would allow any valid Florida certificate, allowing an associate teacher to hold a temporary Florida certificate. Other changes to this section are technical.

Funds for operation of schools; International Baccalaureate program; Advanced placement program

Section 12. Repeals paragraphs (k) and (m) in subsection (1) of s. 236.081, F.S.

CURRENT SITUATION:

Currently, school districts are given a bonus (weighted funding) by the state if they offer an International Baccalaureate Program (IB), or an advance placement program. The bonus is according to a formula, and is provided according to how many students are in the programs and who score sufficiently high on the appropriate examinations. Currently, there are 38 IB schools, spread among 26 districts, with 12,678 students. The IB program is growing in Florida. This state ranks second only to California in number of IB schools.

The latest available number of schools participating in Advanced Placement (AP) in Florida is 671, with 371 in public schools and 300 in private schools. As of May, 2000, 45,234 candidates took 78,222 AP exams. (Students are often in more than one AP class.). In 2000, 58% of the exam grades were 3 or above (the basis for weighted funding). Part of the AP bonus to schools is distributed to teachers who provided the AP instruction. DOE indicated that roughly 48 Florida districts have AP programs at one or more high schools in the district.

EFFECT OF PROPOSED CHANGES:

Although this section repeals the paragraphs providing for the bonuses to schools for AP and IB courses, the language providing bonuses to teachers who provide the AP instruction is moved to Section 10 of the bill.

See Fiscal Comments section of this analysis for information on fiscal impact.

Excellent Teaching Program

Section 13. Amends s. 236.08106, F.S.

CURRENT SITUATION:

Currently, mentoring time of the Excellent Teaching Program cannot be done during regular school hours so that the teachers will not be taken away from any of their teaching duties including time not spent with students. Consequently, teachers cannot mentor another teacher during their planning time because planning time is during regular school hours.

EFFECT OF PROPOSED CHANGES:

This amendment changes language that disallowed the mentoring time during the regular school day for the Excellent Teaching Program bonus for mentoring. This language now states that the mentoring cannot be done during student contact time. This means that a teacher can mentor another teacher during planning time.

Technical changes relating to correcting references

Sections 14, 15, 16, 17, 18, 19 and 20. Amends ss. 231.261, 230.2305, 231.045, 231.1725, 231.36, 231.471, 232.435, F.S., providing for technical changes regarding numbering of paragraphs; adding reference to s. 231.1726; requiring adjunct educators to meet the provisions relating to pre-k early intervention programs, background screening checks, minimum employment qualifications, teacher contracts, part-time teachers, and teacher apprentice trainer I.

Waiver of college credit requirements for teacher preparation program

Section 21. Amends s. 240.529, F.S.

CURRENT SITUATION:

Currently, there are no provisions for waiving credit in teacher preparation programs for any type of teaching experience.

EFFECT OF PROPOSED CHANGES:

Each teacher preparation program approved by the department shall provide a waiver of NINE semester hours' credit of the professional education course requirements in the program for an individual admitted to the program who has completed 3 years of successful full-time experience as an educational paraprofessional in a public school in this state. The waived college credit shall include:

- 3 semester hours in human development and learning, and
- 3 semester hours in the integration of classroom management, school safety, professional ethics, and educational law.

Section 22. Provides that the bill shall take effect July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

On state Funds:

Currently, schools offering International Baccalaureate (IB) and Advanced Placement (AP) courses receive additional funding when the students completing those IB and AP courses score at certain levels in the examinations. Part of that bonus is for the AP teacher. HB 1193 eliminates the supplemental funding to the schools; however, the bill establishes statutory language which retains the bonuses for AP teachers.

On local funds:

The DOE provided the following figures on this bill's impact on local (school district) funds:

	YR 1	YR 2	YR 3
	FY 01-02	FY 02-03	FY 03-04
Lost bonus payments for Advanced Placement :	\$2,000,656	\$2,200,721	\$2,420,794

The cited figure (YR 1) is calculated at 40,013 students, at \$50 per student. The DOE notes that this does not include any \$500 bonuses that may be issued to AP teachers teaching in a "D" or "F" school. This assumption is based on 10% increase as generally experienced in past years. However, this change may be a disincentive to continuation of some programs.

Also, over the long term, the DOE anticipates that the number of AP and IB courses offered throughout the state may decline due to the lack of additional full-time equivalent funding.

Other comments offered by the DOE:

AP and IB Programs

Eliminating the additional full-time equivalent funding for high scoring students in the Advanced Placement (AP) Program, the International Baccalaureate (IB) Program, and the Advanced International Certificate of Education (AICE) Program could have a negative impact on the future of these programs, in that the individual bonuses to teachers is substantially less than the current funding districts receive. Programs may be eliminated as the International Baccalaureate programs and Advanced Placement programs carry significant costs for operations.

Employment of Teachers with Prior Service

Section 8 dealing with employment of persons with teaching experience outside the district which would employ those persons as teachers after July 1, 2001 appears to need clarification. As written, the bill would require school boards, for purposes of "pay and retirement"(but subject to collective bargaining requirement) to recognize and accept each year of full-time teaching service, as reported for purposes of the Florida Retirement System (if the teacher received a satisfactory performance evaluation). There are several points of concern:

1. Since teacher salary schedules typically provide a span of 100% increase from beginning teacher to 33 years, this may discourage school districts from hiring teachers who would bring in significant years of service elsewhere and, therefore, add to a school and district budget for that higher salary and the applicable benefit costs. A district implementing the bill would place teachers with such experience hired after June 30, 2001, higher on the district salary schedule than a similar teacher hired before June 30, 2001. This would present issues to be resolved locally which potentially represent large reallocation of budget resources.
2. The bill refers to "each year of full-time teaching service, as reported for purposes of the Florida Retirement System". Covered persons would be; (1) teachers of public schools in FRS participating school districts, (2) teachers who could purchase out-of-state service under s.121.1115, F.S., and (3) teachers who could claim service under s.121.1122, F.S., for service in charter schools, charter technical schools, or in any nonpublic school or college in this state that is accredited by the Southern Association of Colleges and Schools.

The DOE goes on to state that item 2. may be casting a wider net than intended. If so, page 25, line 2, should be extended to state that, "The provisions of Sections 121.1115 and 121.1122 are not applicable in determining years of service for this purpose." Also, the bill refers to each year of service as reported for purposes of the FRS. FRS measures service in fractions of years, while school board salary schedules are in terms of whole years. An amendment on page 24 , line 30 could clarify this point by stating, "Partial years of service are to be converted to years of service based on school board policy." Since retirement is the purview of FRS, page 24, line 25 should be amended to delete "and retirement".

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

Article X, Section 14 of the Florida Constitution states:

State retirement systems benefit changes.—A governmental unit responsible for any retirement or pension system supported in whole or in part by public funds shall not after January 1, 1977, provide any increase in the benefits to the members or beneficiaries of such system unless such unit has made or concurrently makes provision for the funding of the increase in benefits on a sound actuarial basis.

Section 1 of this bill, containing a provision reducing the time a teacher would have to sit out from employment before he would be allowed to reemploy with an FRS member while simultaneously drawing retirement, could prompt large numbers of FRS members (teachers) to retire sooner than is currently expected. If this were to happen, it would change the actuarial projections for payment to persons under the Florida Retirement System (FRS).

An actuarial study on this very point (only for everyone in the FRS, not just teachers) was conducted in 1987, and projected that the adverse impact on the FRS in the short term would be approximately \$600 million. This amount is the estimate for every retirement-eligible FRS participant to retire. School district employees comprise approximately 45-50% of all participants in FRS. This could lead to an approximate amount of \$300 million. However, since different conditions apply, the actuarial valuation could also be less than that. Another study has been commissioned by the Governor, but its completion is not expected until early April.

To the extent that the just-commissioned study might approximately agree with the earlier assessment, the Constitution requires that provision would have to be made (i.e., an actuarial study commissioned) for concurrent funding (funds from General Revenue that would replace the money lost by this provision). Therefore, should this provision become law, and if the actuarial valuation shows that concurrent funding is needed, and should no more funding have been concurrently provided, this provision could be unconstitutional.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

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None.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON GENERAL EDUCATION:

Prepared by:

Staff Director:

Gip Arthur

Ouida Ashworth