

**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 Education Pre-K - 12 Committee

BILL: SB 316

INTRODUCER: Senator Constantine

SUBJECT: Vietnam Veterans/High School Diplomas

DATE: January 21, 2009      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carrouth	Matthews	ED	<b>Favorable</b>
2.	_____	_____	MS	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill authorizes the Commissioner of Education to award a standard high school diploma to honorably discharged veterans of the Vietnam Era who did not complete their graduation requirements. The State Board of Education, upon the recommendation of the Commissioner, may develop criteria and guidelines for awarding the diplomas.

This bill amends section 1003.43 of the Florida Statutes.

**II. Present Situation:**

Section 1003.43, F.S., establishes the general requirements for receiving a standard high school diploma; however, this provision allows the commissioner to award a standard high school diploma to certain veterans who served in World War II and the Korean War, respectively, and were unable to complete their diploma requirements due to their service. To date, the Department of Education has issued 523 diplomas to Korean War veterans.<sup>1</sup>

In particular, the Commissioner of Education may award a standard high school diploma to honorably discharged World War II veterans who:

- Began high school between 1937 and 1946 and were scheduled to graduate between 1941 and 1950;
- Were inducted into the U.S. Armed Forces between September 1940 and December 1946; and
- Served prior to completing the necessary high school graduation requirements.

<sup>1</sup> Florida Department of Education, January 26, 2009

Likewise, the Commissioner of Education may award a standard high school diploma to honorably discharged veterans of the Korean War who:

- Began high school between 1946 and 1950 and were scheduled to graduate between 1949 and 1955;
- Were inducted into the U.S. Armed Forces between June 1949 and January 1955; and
- Served during the Korean War prior to completing the necessary high school graduation requirements.

In the absence of this law, a veteran who had been inducted and served in World War II and the Korean War prior to completing all high school graduation requirements would not receive a standard high school diploma unless he had returned to school after his military service and completed all requirements.

Section 1.01(14), F.S., establishes February 28, 1961, through May 7, 1975, as the Vietnam Era for the authorization of veterans' benefits, as well as other uses under the law. These dates are consistent with Federal law for purposes of determining veterans' benefits.<sup>2</sup>

### **III. Effect of Proposed Changes:**

This bill authorizes the Commissioner of Education to award a standard high school diploma to honorably discharged veterans who were inducted into the United States Armed Forces during the Vietnam Era before completing their high school graduation requirements. This bill would afford Vietnam Era servicemembers the same opportunity for a high school diploma as their brethren who served in World War II and the Korean War.

The bill also authorizes the State Board of Education to develop criteria and guidelines for the award of the diplomas. Although this provision mirrors current law with respect to veterans of other conflicts, it is not clear why the law is permissive. If a servicemember is eligible under the criteria established in law, he or she should get the diploma. Additionally, the bill appears to authorize the State Board to establish criteria without any guidelines established in law. If the State Board establishes additional criteria beyond the statutory requirements, the criteria could be challenged as an unlawful delegation of law. It may be prudent for the Legislature to specify what guidelines the State Board may adopt and require the adoption of the guidelines in rule.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>2</sup> See 38 U.S.C. 101(29).

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education indicates that they may experience a slight workload increase if diplomas are granted to Vietnam Era veterans and that minimal costs associated with producing and mailing the diplomas would be met within existing budgets.<sup>3</sup>

**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.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>3</sup> Florida Department of Education, January 26, 2009