

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 Committee

BILL: CS/SB 1996

INTRODUCER: Budget Committee and Senator Wise

SUBJECT: Education law repeals

DATE: April 15, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	Favorable
2.	<u>Armstrong</u>	<u>Hamon</u>	<u>BEA</u>	Favorable
3.	<u>Hamon</u>	<u>Meyer, C.</u>	<u>BC</u>	Fav/CS
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:

The bill repeals the requirement for students who took Algebra I in the middle grades from 2007-2008 through 2009-2010 to take the Algebra I end-of-course assessment in the 2010-2011 school year. Approximately, 39,600 students would not have to take the Algebra I assessment, in some instances, several years after completion of the Algebra I course.

The bill also repeals programs that were never implemented or are no longer funded. The programs are:

- Digital Divide Council and the associated Pilot Project for Discounted Computers and Internet Access for Low-Income Students;
- Institute on Urban Policy and Commerce;
- Community and Faith-based Organizations Initiative;
- Community and Library Technology Access Partnership;
- Community computer access grant program;
- Adult Literacy Centers;
- Florida Literacy Corps;
- Preteacher and Teacher Education Pilot programs;

- Teacher Education Pilot Programs for High-Achieving Students;
- Merit Award Program; and
- Critical Teacher Shortage Program, which includes—Florida Teacher Scholarship and Forgivable Loan Program, Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program.

Additionally, the bill repeals obsolete provisions of law governing the criteria for awarding continuing contracts and professional service contracts.

Finally, the bill repeals a section of law found unconstitutional that prohibits any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution.

This bill amends sections 1002.33, 1003.52, 1008.22, 1009.40, 1009.94, 1011.62, and 1012.07, Florida Statutes.

The bill repeals sections 445.049, 447.403(2)(c), 817.567, 1001.291, 1004.04(11)-(12), 1004.50, 1004.51, 1004.52, 1004.95, 1004.97, 1009.54, 1009.57, 1009.58, 1009.59, 1012.225, 1012.2251, 1012.33(3)(a)-(c), Florida Statutes.

II. Present Situation:

Algebra I End-of-course Assessment

The 2010 Legislature enacted legislation to require students to take the statewide end-of-course-assessment (EOC) for Algebra I, beginning in the 2010-2011 school year.¹ Although students have been required to take and pass the Algebra I course for high school graduation, students were not previously required to take an EOC associated with the course. The Algebra I EOC, for the 2010-2011 school year, will count toward 30 percent of the student's grade, and beginning with the 2011-2012 school year, a student must pass the EOC in order to earn the required credit for the course.²

Beginning in the 2010-2011 school year, the Algebra I EOC will replace the mathematics portion of the 10th grade FCAT.³ Federal law requires that all public school students be tested in reading and mathematics at least once at the elementary, middle, and high school level.⁴ To comply with federal law, the law requires that students who earned high school credit for Algebra I while in middle school in the 2007-08 through 2009-10 school years and who have not taken the 10th grade mathematics FCAT to take the Algebra I EOC.⁵ This provision was enacted to satisfy the federal testing requirements. The Department of Education estimates that approximately 39,600 students completed Algebra I in the middle grades, did not take the 10th grade FCAT in mathematics, and would be required to take the Algebra I EOC in May, 2010.⁶

¹ ch. 2010-22, L.O.F.

² s. 1008.22(3)(c)2.a.(I), F.S.

³ s. 1008.22(3)(c)1., F.S.

⁴ See Section 1111(b)(3)(C)(v)(I)(cc) of the Elementary and Secondary Education Act (ESEA), available at:

<http://www2.ed.gov/policy/elsec/leg/esea02/pg2.html>.

⁵ s. 8, ch. 2010-22, L.O.F., codified in s. 1008.22(3)(c)2.a.(I), F.S.

⁶ Email correspondence from the Department of Education, on file with the committee.

Although students who take high school level courses in the middle grades will, most likely, enroll in sequentially more rigorous courses, some school districts raised concerns that the lapse in time between taking the course in middle school and sitting for the EOC in high school would be unfair. As a result, the Department of Education (Department) submitted a request to the USDOE for a waiver from the federal law for the specific cohort of students who would have been affected. The waiver was granted on January 19, 2011.⁷

Digital Divide Council

The Digital Divide Council was established in 2001 to facilitate the design and implementation of programs to help at-risk families bridge the digital divide. The program is no longer operational and the last annual report produced by the council occurred in 2008.

Making False Claims of Academic Degree or Title

In 1989, legislation was enacted to prohibit any person in Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless an accredited institution awarded the degree. In 1995, this provision was found unconstitutional. The court held that prohibiting an individual from claiming to hold academic degree or title unless the degree or title had been conferred by accredited institutions violated the First Amendment.⁸

Pilot Project for Discounted Computers and Internet Access for Low-Income Students

This pilot project was enacted in 2006 to assist low-income students in purchasing discounted computers and internet access. The last appropriation for the pilot project was in FY 2006-2007.

Institute on Urban Policy and Commerce

The institute was established in 1999 to improve the quality of life in urban communities through research, teaching, and outreach activities. The institute is no longer operational. The last appropriation to the institute occurred in FY 1999-2000.

Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership and Community computer access grant program

The initiative and grant program were enacted in 2001 to expand community Internet access through partnerships with public libraries. At the time, the majority of Floridians did not have access to the Internet at home. Currently, 81 percent of households own a computer and 79 percent of households have home Internet service in the state.

Also, Florida public libraries offer Internet access programs that include extensive numbers of publicly available Internet workstations throughout the community served. Florida public libraries also provide training and point of use assistance in the use of the Internet and are now seeking to provide broadband services that are far more complex to maintain than dial-up Internet connections.

⁷ Letter to Commissioner of Education Eric Smith from the Assistant Secretary of the U.S. Department of Education, on file with the committee.

⁸ See *Strang v. Satz*, 884 F. Supp. 504, 510 (U.S. S.D. Fla. 1995).

The Community and Library Technology Access Partnership was last funded by the Legislature in 2001. Given the services in place in public libraries today and the lack of funding since 2001, the goals of the initiative and grant program as conceived in 2001 are no longer relevant to Florida communities.

Adult Literacy Centers

Adult Literacy Centers were authorized in 1992 to establish centers, with the assistance of community colleges and school districts, to identify, contact, counsel, and refer individuals considered to be lacking in basic or functional literacy skills to the appropriate private and public agencies. The centers are no longer in operation. The last appropriation was provided in FY 1999-2000.

Florida Literacy Corps

Florida Literacy Corps was enacted in 1992 to offer eligible postsecondary students the opportunity to perform a public service while earning college credit as volunteer tutors for adults who do not possess basic or functional literacy skills. The state never appropriated funds for the corps. The Department of Education has not received an annual report from the corps from its inception.

Preteacher and Teacher Education Pilot Programs and the Teacher Education Pilot Programs for High-Achieving Students

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

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

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

The Critical Teacher Shortage Program

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

The Florida Teacher Scholarship and Forgivable Loan Program became effective July 1, 1993. The program was established to provide scholarship assistance to eligible students for lower-division undergraduate study and loan assistance to eligible students in upper-division undergraduate and graduate study. The purpose of the program was to draw promising students

to the teaching profession, attract teachers to areas of projected or current critical teacher shortage, attract liberal arts and science graduates to teaching, and provide opportunity for persons making midcareer decisions to enter the teaching profession.

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

The Critical Teacher Shortage Student Loan Forgiveness Program was also established in 1983 and was designed to encourage qualified personnel to seek employment in subject areas in which critical teacher shortages exist. The purpose of the program was to make repayments toward loans received by students from federal programs or commercial lending institutions to support postsecondary education study.

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

Merit Award Program

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

In the 2010-2011 school year, only three school districts participated in the Merit Award Program.⁹ Moreover, the Senate budget provides that funding for the MAP expires the next fiscal year.¹⁰ As the program is funded subsequent to the year of eligibility, the last state funding will be provided in FY 2011-2012 for the 2010-2011 school year.

Contracts

Section 1012.33(3)(a), F.S., sets forth the requirements for awarding continuing contracts. Continuing contracts have not been awarded since 1984. This provision is obsolete. The remaining provisions in s. 1012.33(3)(a)-(c), F.S., regarding the approval of new professional service contracts, are superseded as a result of the enactment of legislation in 2011.¹¹

III. Effect of Proposed Changes:

Algebra I End-of-course Assessment

The bill would repeal the requirement for approximately 39,600 students, who previously took the Algebra I course in the middle grades, but must take the Algebra I assessment in 2010-2011. The bill would enact the waiver granted by the U.S. Department of Education for these students.

If the bill is not enacted before the spring administration of the Algebra I assessment, currently scheduled for early May, the bill will be moot.

⁹ Duval, Hillsborough, and Gilchrist.

¹⁰ CS/SB 2150 (2011)

¹¹ ch. 2011-1, L.O.F.

Obsolete Programs, Pilots, or Initiatives*Obsolete Programs*

The bill repeals the following programs that are no longer funded or are no longer operational:

- Pilot Project for Discounted Computers and Internet Access for Low-income Students (last funded in FY 2006-2007);
- Institute on Urban Policy and Commerce (last funded in FY 1999-2000 and not operational);
- Community and Faith-based Organizations Initiative/Community and Library Technology Access Partnership/Community Computer Access Grant Program (last funded in FY 2001-2002);
- Adult Literacy Centers (last funded in FY 1999-2000 and not operational);
- Florida Literacy Corps (never funded);
- Preteacher and Teacher Education Pilot programs (not funded and not operational);
- Merit Award Program (funding expires in FY 2011-2012);
- Critical Teacher Shortage Programs (no longer funded in FY 2011-2012);
- Digital Divide Council (not operational);

Contracts

Additionally, the bill repeals obsolete provisions of law governing the criteria for awarding new continuing contracts and professional service contracts. The award of new contracts was superseded by ch. 2011-1, L.O.F. The bill does not affect the renewal of professional service contracts.

Making False Claims of Academic Degree or Title

Finally, the bill repeals a section of law found unconstitutional that prohibits any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution.¹²

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹² See *Strang v. Satz*, 884 F. Supp. 504 (U.S. S.D. Fla. 1995).

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Education (DOE), there is no expected fiscal impact at this time. The DOE's contract for the end-of-course assessments allows for the number of students taking the Algebra I end-of-course assessment to be 241,579 students. If the number of students taking the assessment is more than five percent above the contract number, there could be an increase in cost. However, the contract does not provide for a reduction in price if fewer students take the Algebra I EOC.

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 Budget on April 15, 2011:**

The committee substitute repeals programs that were never implemented or are no longer funded. The programs are:

- Digital Divide Council and the associated Pilot Project for Discounted Computers and Internet Access for Low-Income Students;
- Institute on Urban Policy and Commerce;
- Community and Faith-based Organizations Initiative;
- Community and Library Technology Access Partnership;
- Community computer access grant program;
- Adult Literacy Centers;
- Florida Literacy Corps;
- Preteacher and Teacher Education Pilot programs;
- Teacher Education Pilot Programs for High-Achieving Students;
- Merit Award Program; and

- Critical Teacher Shortage Program, which includes—Florida Teacher Scholarship and Forgivable Loan Program, Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program.

Additionally, the committee substitute repeals obsolete provisions of law governing the criteria for awarding continuing contracts and professional service contracts.

Finally, the committee substitute repeals a section of law found unconstitutional that prohibits any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution.

B. Amendments:

None.