

STORAGE NAME: h3389s1z.cu
DATE: June 11, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Colleges & Universities
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3389, 1ST ENG
RELATING TO: Education
SPONSOR(S): Colleges & Universities and Rep. Trovillion
COMPANION BILL(S): SB 924 by Senator Sullivan
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) Colleges & Universities YEAS 12 NAYS 0
(2)
(3)
(4)
(5)

I. FINAL ACTION STATUS:

CS/HB 3389, 1ST ENG, passed the House (114/0) on April 16, 1998. It was amended and passed the Senate (38/0) on May 1, 1998. The House concurred with the Senate amendment and passed the bill as amended (119/0). The bill was approved by the Governor on May 29, 1998. (See ch. 98-309, L.O.F.)

II. SUMMARY:

CS/HB 3389, 1ST ENG, creates the Excellent Teaching Program to provide monetary incentives and bonuses for teaching excellence. The program provides state payment of 90% of the application fee (up to \$1,800) and \$150 for portfolio development for teachers seeking national certification, monetary rewards for teachers who achieve national certification, additional salary if a national board certified teacher agrees to mentor other teachers, and money to school districts for professional development programs for teachers. Additional provisions provide exemption from certain Florida certification requirements for teachers holding national certification.

The bill provides that student credit hours generated by state employee fee waivers are fundable credit hours.

The bill revises membership of the State Board of Independent Colleges and Universities (SBICU) to specifically provide for representation from the various categories of institutions under the jurisdiction of the SBICU, removes obsolete and duplicative terminology relating to accrediting agencies, and modifies the definition of the term "college" to include any branch campus of an out-of-state college.

The bill revises a number of provisions relating to nonpublic colleges issued an authorization by the SBICU. The provision relating to receipt of state or federal financial aid is modified to apply only to Florida students. The requirement that degrees issued by one of these colleges include a religious modifier which must immediately precede, or be included within, the title of the degree is modified to include a requirement that the religious modifier be placed on the title line of the degree. Specific statutory criteria are established that an education association must meet to be eligible to conduct licensure compliance reviews of these colleges or to oversee the review and collection of data from these colleges.

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III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

See SECTION-BY-SECTION RESEARCH

B. EFFECT OF PROPOSED CHANGES:

See SECTION-BY-SECTION RESEARCH.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The Department of Education must allocate the funds appropriated for the Excellent Teaching Program to the school districts.

School districts must distribute the bonuses associated with the Excellent Teaching Program to the eligible recipients.

The SBICU will be responsible for providing training for groups wishing to review institutions for compliance with SBICU licensing standards and for groups overseeing the review and collection of data pursuant to s. 246.084, F.S.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Creates s. 236.08106, F.S.

Amends ss. 236.081, 231.173, 231.24, 110.1099, 246.021, 246.031, 246.041, 246.084, 246.085, 246.101, 246.121, and 246.31, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Creates s. 236.08106, F.S., relating to the Excellent Teaching Program.

Present Situation:

Chapter 231, F.S., contains provisions governing the certification of teachers. The chapter does not provide incentives or waive certification requirements for educators who have met national certification standards.

The National Board of Professional Teaching Standards (NBPTS) is an independent, nonprofit organization. The mission of the NBPTS is to establish high and rigorous standards for what accomplished teachers should know and be able to do; to develop and operate a national, voluntary system to assess and certify teachers who meet those standards; and to advance related education reforms for the purpose of improving student learning. To be eligible for certification by the NBPTS, teachers must have a baccalaureate degree, a minimum of three years' teaching experience, and a valid teaching license. To become certified, applicants must pay a \$2,000 assessment fee; develop a portfolio to show evidence of good teaching practice and to demonstrate how their teaching meets the advanced standards in their fields; and complete a series of written exercises designed around challenging teacher issues such as designing curriculum, assessing student learning, or evaluating other teachers' practices. During the 1997-1998 year, NBPTS offered national certification in seven areas: Early Childhood/Generalist; Middle Childhood/Generalist; Early Adolescence/Generalist; Early Adolescence/English Language Arts; Early Adolescence through Young Adulthood/Art; Adolescence and Young Adulthood/Mathematics; Adolescence and Young Adulthood/Science.

Effect of Proposed Changes:

The Excellent Teaching Program is created to provide monetary incentives and bonuses for teaching excellence. The program provides state payment of 90% of the application fee (up to \$1,800) and \$150 for portfolio development for teachers seeking certification by the NBPTS, monetary rewards for teachers who achieve national certification, additional salary if the NBPTS certified teachers agree to mentor other teachers, and money to school districts for professional development programs for teachers.

Section 2. Amends s. 236.081, F.S., to add the Excellent Teaching Program to the list of categorical programs within the Florida Education Finance Program.

Present Situation:

The provisions of s. 236.081(5), F.S., identify the categorical programs that receive funding through the Florida Education Finance Program (FEFP).

Effect of Proposed Changes:

The Excellent Teaching Program is added as a categorical program within the FEFP.

Section 3. Amends s. 231.173, F.S., to provide for the issuance of a professional certificate to out-of-state applicants certified by the NBPTS.

Present Situation:

Section 231.173, F.S., contains provisions relating to state certification of out-of-state teachers and administrators. An applicant must complete the application process, including the filing of a complete set of fingerprints; hold a valid certificate issued by the state where the applicant most recently taught; document 5 years appropriate experience; and submit a request for the issuance of the professional certificate from the appropriate school official. There are no special considerations for applicants who hold national certification.

Effect of Proposed Changes:

The bill streamlines the process for an out-of-state teacher who holds NBPTS certification to receive professional certification to teach in Florida public schools. An NBPTS certified applicant qualifies for a professional certificate if the applicant completes the application process, including the filing of fingerprints, and holds a valid standard certificate issued by the state where the applicant most recently taught which is equivalent to the professional certificate issued by Florida.

Section 4. Amends s. 231.24, F.S., to modify the process for renewal of professional certificates for NBPTS certified teachers.

Present Situation:

The requirements for renewal of a professional certificate are set forth in s. 231.24, F.S. There are no exceptions or special considerations for teachers who hold national certification.

Effect of Proposed Changes:

The process for renewal of professional certificates is modified to deem an NBPTS certified teacher in compliance with the renewal requirements for state certification for the life of the teacher's national certificate.

Section 5. Amends s. 110.1099, F.S., to designate state employee fee waiver credit hours as fundable.

Present Situation:

The provisions of s. 110.1099(1), F.S., authorize the granting of tuition waivers to state employees to attend work-related courses at public universities on a space-available basis. Currently, no state funding is provided for the credit hours generated by students using state employee fee waivers.

Effect of Proposed Changes:

Student credit hours generated by state employee fee waivers are designated as fundable credit hours.

Section 6. Amends s. 246.021(4), F.S., to include "branch campus" of an out-of-state college in the definition of the term "college".

Present Situation:

Section 246.021(4), F.S., defines the term "college" to mean "any educational entity which confers or offers to confer a degree or which furnishes or offers to furnish instruction leading toward, or prerequisite to, college credit or a degree beyond the secondary level." The term includes any nonpublic college chartered in this state and any Florida center of an out-of-state college.

Effect of Proposed Changes:

The definition of the term "college" is modified to include any "branch campus" of an out-of-state college.

Section 7. Amends s. 246.031(2), F.S., to revise requirements relating to members of the State Board of Independent Colleges and Universities (SBICU).

Present Situation:

Membership of the SBICU currently consists of nine citizens appointed by the Governor and confirmed by the Senate. SBICU members must be Florida residents. A majority of the members must represent independent colleges and universities within the state.

Effect of Proposed Changes:

Provisions relating to SBICU board membership are revised to specifically require that a member representing a particular category of institution must be an employee, consultant, board member, or trustee of the institution. At least one SBICU board member must be appointed from each of the following categories of institution: a college or university holding a certificate of exemption pursuant to 246.085(1)(a), F.S., and

accredited by a regional accrediting association; a college or university holding a certificate of exemption pursuant to s. 246.085(1)(a), F.S., and accredited by a national accrediting association; a college or university licensed by the board; a college or university holding a certificate of exemption from licensure pursuant to s. 246.085(1)(b), F.S., or a college or university issued an authorization pursuant to s. 246.084, F.S. Finally, at least one board member must be a lay citizen of the state who derives no income from a nonpublic college or university.

Section 8. Amends s. 246.041, F.S., to revise provisions relating to review of accreditation standards, to correct a cross-reference, and to delete obsolete terminology.

Present Situation:

The provisions of s. 246.041(1)(q), F.S., require the SBICU to annually review the accreditation standards of certain accrediting agencies to determine for each of the accrediting bodies the comparability of the accreditation standards with minimum licensing standards of the board. A college that is chartered in Florida and accredited by one of these bodies may be eligible for a certificate of exemption from the SBICU. The specific accrediting associations identified in statute include the following: the Commission on Colleges of the Southern Association of Colleges and Schools; the Accrediting Council for Independent Colleges and Schools at the junior or senior college of business level; the American Association of Bible Colleges; and, the Transnational Association of Christian Colleges and Schools. The SBICU may also, upon request, review the accreditation standards of other Commission on Recognition of Postsecondary Accreditation and United States Department of Education recognized accrediting associations to determine comparability with minimum licensing requirements of the SBICU.

The provisions of s. 246.041(1)(r), F.S., require the SBICU to provide information and documentation on an annual basis to the Office of Student Financial Assistance (DOE) regarding the requirements set forth for nonpublic colleges in ". . . s. 240.607, relating to access grants for community college graduates. . ." Statutory provisions relating to access grants for community college graduates are under s. 240.6055, F.S., not s. 240.607, F.S.

The provisions of s. 246.041(2)(g), F.S., authorize the SBICU to recommend changes to the Legislature regarding accrediting associations whose institutions are eligible for certificates of exemption. Such accrediting associations must be Commission on Recognition of Postsecondary Accreditation or United States Department of Education recognized accrediting associations whose standards are comparable with state licensing standards. The Commission on Recognition of Postsecondary Accreditation no longer exists.

Effect of Proposed Changes:

References to specific accrediting agencies are deleted. The SBICU is directed to review, at least biennially, the accreditation standards of agencies listed in s. 246.085(1)(a), F.S., (accrediting agencies whose institutions are eligible for a certificate of exemption) to ensure comparability with licensure standards. The SBICU is also directed to, upon request and payment of an initial review fee, review the accreditation standards of other accrediting agencies recognized by the United States Department of Education.

The incorrect reference to "s. 240.607" is changed to the correct cite, "s. 240.6055".

The reference to "Commission on Recognition of Postsecondary Accreditation" is deleted.

Section 9. Amends s. 246.084, F.S., to revise institutional eligibility requirements relating to receipt of an authorization from the SBICU; to revise provisions relating to the religious modifier required on the degrees or transcripts issued by institutions operating pursuant to an authorization; to revise provisions relating to verification of compliance; to provide for a training program by the SBICU.

Present Situation.

Section 246.084, F.S., provides a process by which certain nonpublic colleges are not required to apply for a license from the SBICU. To be eligible, the college must enroll no students who receive state or federal financial aid for education. The college may only offer educational programs that prepare students for religious vocations as ministers, professionals, or laypersons in the following categories: ministry, counseling, theology, education, administration, music, fine arts, media communications, and social work. The religious vocation must appear on the face of the degree and on the college's transcript.

The degrees issued by the college must include a religious modifier that must immediately precede, or be included within, any of the following titles: Associate of Arts, Associate in Science, Bachelor of Arts, Bachelor of Science, Master of Arts, Master of Science, and Doctor of Philosophy. Under certain conditions, however, a college is not required to include a religious modifier in the degree title. If the college submits a sworn affidavit to the SBICU from a group formed pursuant to s. 246.041(1)(f), F.S., certifying that the college complies with the minimum licensing standards of the SBICU, the college is not required to include a religious modifier in the title of degrees issued by the college. [Note: Section 246.041(1)(f), F.S., requires the SBICU to authorize an individual, or a designated group of individuals, to represent one or more nonpublic colleges in appearance before the SBICU on official matters if each college agrees formally to designate the individual or group of individuals to represent it.]

A college operating pursuant to s. 246.084, F.S., must submit certain information annually to the SBICU. The information that must be submitted, including a descriptive inventory of consumer practices, is described in statute. The college must include with the information a sworn affidavit, signed by its chief administrative officer, affirming that the information submitted is accurate; that no false data has knowingly and willingly been submitted; that the college observes the policies and practices as reported; and that the college complies with the provisions of s. 246.084, F.S. The SBICU sets an

annual date for receiving the data and assuring compliance with the provisions of s. 246.084, F.S. The SBICU may enter into an agreement with a group formed pursuant to s. 246.041(1)(f), F.S., to oversee the review and collection of data submitted pursuant to s. 246.084, F.S.

Effect of Proposed Changes:

The institutional eligibility criteria are modified to provide that the requirement relating to receipt of state or federal financial aid applies to students of the college who are enrolled in Florida.

Provisions relating to the religious modifier are revised to require that the religious modifier must be placed on the title line of the degree.

Colleges operating pursuant to an authorization from the SBICU are not required to include a religious modifier in the degree title or on the transcript if the college complies with all other provisions of s. 246.084, F.S., and the minimum standards for licensure as provided for in SBICU rule. Verification of compliance with s. 246.084, F.S., can be accomplished in one of three ways:

1. Submission to the SBICU of a finding of compliance by an education association that meets the requirements set forth in s. 246.084(2)(a), F.S.
2. Submission to the SBICU of evidence of accreditation by a regional or national accrediting agency that is recognized by the U.S. Department of Education.
3. By a finding of compliance by the SBICU.

Provisions relating to oversight of the review and collection of data required pursuant to s. 246.084, F.S., are also modified. The SBICU is required to enter into an agreement with an education association to oversee the review and collection of the data submitted pursuant to s. 246.084, F.S., although any college may choose to be under the SBICU for review and collection of data. The education associations which oversee institutions for the purpose of review and data collection must meet the qualifications set forth in s. 246.084(3), F.S.

Section 10 . Amends s. 246.085(1), F.S., to remove obsolete terminology.

Present Situation.

Section 246.085, F.S., provides an alternative to applying for a license from the SBICU for certain accredited colleges. Section 246.085(1), F.S., lists the accrediting agencies whose colleges in Florida may apply for a certificate of exemption from the SBICU. The names of some of these agencies or associations as they appear in statute, such as the Commission on Recognition of Postsecondary Accreditation, are obsolete.

Effect of Proposed Changes.

Obsoletes references are updated.

Section 11. Conforms s. 246.101(5)(h), F.S., with changes made to s. 246.084, F.S.

Section 12. Amends s. 246.121, F.S., to clarify provisions relating to use of the title “college” or “university” and remove obsolete and duplicative provisions.

Present Situation.

Section 246.121, F.S., sets forth the conditions under which the title “college” or “university” may be used. References to accrediting agencies are duplicative of the language included in s. 246.085, F.S.

Effect of Proposed Changes.

Provisions relating to use of the title “college” or “university” are revised to remove duplicative language and clarify that any college for which the SBICU has issued a license, certificate of exemption, or an authorization pursuant to chapter 246, F.S., is eligible to use the designation “college” or “university”.

Section 13. Amends s. 246.31, F.S., to provide that the board’s educational programs benefit not just licensed institutions but also institutions receiving a certificate of exemption or an authorization.

Present Situation.

Section 246.31(2), F.S., provides that funds from the Institutional Assessment Trust Fund can be used for the benefit of current and prospective owners, administrators, agents, and faculty of institutions licensed by the board.

Effect of Proposed Changes.

In addition to licensed institutions, the board can use funds from the Institutional Assessment Trust Fund for educational programs for the benefit of institutions receiving a certificate of exemption or an authorization. The board can also use the funds for educational programs for the benefit of authorized groups of individuals.

Section 14. Establishes an effective date.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See FISCAL COMMENTS.

2. Recurring Effects:

See FISCAL COMMENTS.

3. Long Run Effects Other Than Normal Growth:

See FISCAL COMMENTS.

4. Total Revenues and Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

See FISCAL COMMENTS.

2. Direct Private Sector Benefits:

See FISCAL COMMENTS.

3. Effects on Competition, Private Enterprise and Employment Markets:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate.

Specific Appropriation 119B of the 1998 General Appropriations Act provides \$12 million for the Excellent Teaching Program.

The designation of student credit hours generated by employee fee waivers as fundable has no fiscal impact this year. Based on estimates provided by the Board of Regents, the long range fiscal impact could be significant.

To the extent that the SBICU would need to develop the proposed training programs, there is no provision for additional resources. Presumably, existing educational programs would be used or the training programs would be developed and offered within

existing resources. The extent to which this could limit the SBICU in its other activities is unknown.

V. 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.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

CS/HB 3389 revises the SBICU membership by requiring at least one member from each type of institution under the jurisdiction of the board. It also removes obsolete and duplicative terminology relating to accrediting associations. CS/HB 3389 maintains current law regarding placement of a religious modifier in the degree title of colleges operating pursuant to an "authorization". CS/HB 3389 sets forth specific criteria that groups must meet to be eligible to review colleges for compliance with SBICU licensure standards and for groups to oversee review and collection of data.

CS/HB 3389, 1ST ENG, creates the Excellent Teaching Program and designates credit hours generated by state employee fee waivers as fundable.

VIII. SIGNATURES:

COMMITTEE ON Colleges & Universities:

Prepared by:

Legislative Research Director:

Betty H. Tilton, Ph.D.

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FINAL RESEARCH PREPARED BY COMMITTEE ON Colleges & Universities:

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