

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Background

Section 1012.86, F.S. was enacted in 2002 as part of the Florida K-20 Education Code; it contained language previously in s. 240.3355, F.S. It requires community colleges to develop plans to increase the representation of women and racial and ethnic minorities in faculty and senior-level positions and among employees with continuing contracts.

The goals and objectives in these plans are to be based on meeting or exceeding comparable national standards. The Division of Community Colleges has interpreted “comparable national standards” to mean the national labor availability pool of persons in the United States with earned credentials necessary to hold community college senior-level and faculty positions, as reported in the 1990 Census. Currently, community colleges are exceeding this standard in regard to employees on continuing contracts. See chart below for statistics.

State Board of Education Rule 6A-14.0411, Florida Administrative Code, provides that employees shall be granted continuing contract status if they maintain satisfactory performance in a community college and are recommended for hire in the fourth year. Continuing contract status for community college instructors is similar to tenure for university professors.

The Florida Council of Presidents of the Florida Community College System convened the Employment Equity Accountability Task Force to study diversity issues. The task force recommended allowing community colleges to use the employment data four years prior to the goal assessment date as the minimum standard for determining parity for faculty achieving continuing contracts. Specifically, goal would be for the group of individuals initially hired in positions eligible for continuing contracts to mirror the group of individuals actually granted continuing contracts in the fourth academic year after this group’s hire, when they would first be eligible for continuing contracts. The Community College Council of Presidents voted January 30 to support the proposed revisions.

Proposed Changes

This bill changes the standard to be exceeded; rather than it being the percentages represented by groups in the national labor availability pool, it would be the percentages represented by hires in continuing-contract positions by the community colleges in the fourth year prior to the goals assessment date. According to staff of the Board of Education, this would encourage community colleges to focus on retaining new instructors who are women or ethnic or racial minorities.

This bill takes effect upon becoming a law.

| Historic Representation in Continuing Contract Status in Florida Community Colleges: Representation as a Percent of All Continuing- Contract Instructors | | | | |
|---|-------|----------|---|--------|
| | Black | Hispanic | Asian, Pacific Islander, Native American, Alaskan | Women |
| Fall 1997 | 9.59% | 5.82% | 1.69% | 47.78% |
| Fall 1998 | 9.79% | 6.55% | 1.69% | 48.35% |
| Fall 1999 | 9.31% | 6.65% | 1.86% | 48.88% |
| Fall 2000 | 9.12% | 6.92% | 2.17% | 49.02% |
| Fall 2001 | 8.72% | 7.31% | 2.26% | 49.32% |
| | | | | |
| 1990 Census: Percent of all persons with baccalaureate, masters, doctoral, or professional degrees in national labor pool | 6.07% | 3.37% | 5.20% | 42.80% |

Source: State Board of Education; materials from February 18, 2003, meeting.

C. SECTION DIRECTORY:

Section 1 amends s. 1012.86, F.S., to provide new goals and objectives for the diversity of faculty with continuing-contract status.

Section 2 provides that the act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision: None.

2. Other: None.

B. RULE-MAKING AUTHORITY: The Board of Education already has the requisite rule-making authority.

C. DRAFTING ISSUES OR OTHER COMMENTS: The bill's language seems unclear. For instance, the goal could be interpreted to be for diversity to mirror the pool of *all* individuals on continuing-contract status, not just that group of individuals *initially* hired into eligible continuing-contract positions at a certain time.

Additionally, given the intent of the bill, comparison using a four year span will reference the wrong group of initial hires. This is because the hires will just be entering their fourth year; they will have only completed three full years. Thus line 29 should state "3 years prior to the goals attainment date" instead of 4 years.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A.