

STORAGE NAME: h3309b.grr
DATE: March 31, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL RULES AND REGULATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3309
RELATING TO: School Advisory Councils/Membership
SPONSOR(S): Representative Fischer
COMPANION BILL(S): SB 1200

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

- (1) EDUCATION K-12 YEAS 13 NAYS 0
 - (2) GOVERNMENTAL RULES AND REGULATIONS YEAS 3 NAYS 1
 - (3) EDUCATION APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

Presently, school districts establish a school advisory council for each school in the district. The school advisory council assists in the preparation and evaluation of the school's improvement plan and may provide assistance in preparing the school's annual budget.

Current law does not limit the number of individuals who may serve on the school advisory council, but provides that the council's membership be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens.

Last Session, the Legislature passed CS/SB 1992 (Chapter 97-279, L.O.F.), which required that a majority of members of each school advisory council must be persons who are not employed by the school board. A 1996 report by the Office of Program Policy Analysis and Government Accountability (OPPAGA) revealed that 63 percent of school advisory councils were dominated by school employees and 78 percent were dominated by school district employees. The 1997 changes were adopted to ensure an appropriate representation of non-school district employees on school advisory councils.

HB 3309 revises the membership of school advisory councils, providing that a majority of the members of each school advisory council be persons who are not employed by the school board at that school. This change permits school advisory councils to have a majority of members who are school district employees.

The bill has no fiscal impact.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

School Advisory Councils

School advisory councils (SACs) are a key component of Florida's school improvement and accountability system. Section 229.58, F.S., requires the school board to establish a SAC for each school in each district, but gives smaller school districts (those with fewer than 10,000 students) the option of establishing a district advisory council. Each SAC assists in preparing and evaluating the school's improvement plan and provides any assistance requested by the principal in preparing the school's annual budget. School improvement plans are locally developed "blueprints" for achieving the state education goals and student performance standards. Section 229.58(2), F.S., specifies that no SAC shall have any powers and duties reserved by law to the school board.

Each SAC must be composed of the school's principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community members who are representative of the ethnic, racial, and economic community served by the school. Current law does not limit the number of members that may be appointed to each school advisory council.

Performance reviews conducted by the Office of the Auditor General in 1993-94 and by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) in 1995-96 found persistent problems in SAC memberships.

The 1995-96 OPPAGA performance review looked at school improvement efforts in 14 school districts. In one-third of the SACs reviewed, 50 percent of the SAC members were new to the councils. Almost half of the SACs reviewed did not include all statutorily required membership groups, such as business/community members and education support employees. About one-third did not reflect the school community's racial and ethnic diversity. Sixty-three percent were dominated by school employees and 78 percent were dominated by school district employees.

In response to this imbalance, the 1997 Legislature passed CS/SB 1992 (Chapter 97-279, L.O.F.) which required each SAC to draw a majority of its membership from individuals who are not school board employees.

B. EFFECT OF PROPOSED CHANGES:

School Advisory Councils

The bill revises provisions relating to membership of school advisory councils. Rather than being required to be composed of a majority of members who are not employed by the school board, school advisory councils will instead be required to be composed of a majority of members who are not employed by the school board at the school site where such person performs his or her primary duties.

The bill essentially removes the requirement that a majority of school advisory council members be non-school district employees. The bill authorizes a school board to appoint a majority of school board employees to a school advisory council.

C. APPLICATION OF PRINCIPLES:

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1. Less Government:

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

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

N/A

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

N/A

(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?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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?

The bill increases opportunities for school district employees to participate on SACs by revising the membership of SACs to require that a majority of members not be employed by the school at which they are serving, rather than not be employed by the school board.

- 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:

The bill amends s. 229.58, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 229.58, F.S., relating to district and school advisory councils; revising provision relating to the membership of school advisory councils.

Section 2: Provides an effective date of July 1 of the year in which enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

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:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

N/A

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 expend 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.

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V. COMMENTS:

Current law does not prohibit a school district employees from serving on the SAC at their child's school. Presently, such individuals are appropriately counted as "school district employees" for the purposes of maintaining a majority membership of non-school district employees. If a SAC wishes to include a school district employee with a child enrolled in that school as a member, the principal may create an additional non-school district employee position on the council to meet the current statutory requirement.

HB 3309 essentially removes the requirement that a majority of SAC members be non-school district employees. The bill authorizes a school board to appoint a majority of school board employees to a school advisory council.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Education K-12 Committee adopted one amendment which is traveling with the bill. The amendment clarifies that a majority of the members of the SAC must not be individuals who are employed by the school district *at that school*.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

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