

STORAGE NAME: h0241.ei
DATE: February 10, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION INNOVATION
ANALYSIS**

BILL #: HB 241

RELATING TO: School Enrollment/Swim Lessons

SPONSOR(S): Representative Rayson

COMPANION BILL(S):

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

- (1) EDUCATION INNOVATION
 - (2) EDUCATION/K-12
 - (3) EDUCATION APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

HB 241 requires the school board of each district to establish a policy which requires a child, prior to enrollment in public school, to submit evidence of whether or not he or she has learned to swim. This policy will include provisions for providing information regarding available learn-to-swim programs in the community to the parent or guardian of each child who, upon enrollment, has not learned to swim.

Currently, initial registration of students requires:

- ◆ disclosure of previous expulsions, arrest and juvenile justice actions;
- ◆ evidence that a child has attained school age;
- ◆ certificate of health examination; and
- ◆ immunizations for communicable diseases

This bill could have a fiscal impact directly related to the development and printing of materials provided to parents and guardians regarding learn-to-swim programs in their communities as well as in the development of new enrollment forms which include space for documentation of this new registration requirement.

Provides an effective date upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Student Registration

According to s. 232.0205, 232.03, 232.0315, and 232.032, F.S., each student is required to supply the following information at the time of initial registration for school:

- ◆ previous school expulsions, arrests resulting in a charge, and juvenile justice actions the student has had;
- ◆ evidence that the child has attained the age at which he or she should be admitted.

The superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance.

If the child's birth record transcript as evidence of age is not available, the next evidence obtainable in the order set forth below will be accepted:

- ◆ A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;
- ◆ An insurance policy on the child's life which has been in force for at least two years;
- ◆ A bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent;
- ◆ A passport or certificate of arrival in the United States showing the age of the child;
- ◆ A transcript of record of age shown in the child's school record of at least four years prior to application, stating date of birth; or
- ◆ If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if neither of these shall be available in the county, by a licensed practicing physician designated by the school board, which certificate shall state that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

In addition to the items mentioned above a parent or guardian is also required to submit at the time of enrollment a certification of a school-entry health examination performed within one year prior to enrollment in school. Any child shall be exempt from the requirement of a health examination upon written request of the parent or guardian child stating objections to such examination on religious grounds.

Immunizations are required for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, tetanus, and other communicable diseases as determined by rules of the Department of Health. The school board of each district and the governing authority of each nonpublic school shall establish and enforce as policy that, prior to admittance to or attendance in a public or nonpublic school, grades preschool through 12, each child

present or have on file with the school a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health.

The provisions of s. 232.032, F.S., will not apply if:

- ◆ The parent or guardian of the child objects in writing that the administration of immunizing agents conflicts with his or her religious tenets or practices;
- ◆ A licensed physician certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from the required immunization for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption.
- ◆ A licensed physician certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations.
- ◆ The Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous.
- ◆ An authorized school official issues a temporary exemption, for a period not to exceed 30 school days, to permit a child who transfers into a new county to attend class until his or her records can be obtained.
- ◆ The parents or guardians of any child admitted to or in attendance at a Florida public or nonpublic school, grades preschool through 12, are responsible for assuring that the child is in compliance with these provisions.

Child Drownings

According to the U.S. Consumer Product Safety Commission, an estimated 260 children under five years of age drown each year in residential swimming pools and spas nationwide. An estimated 2,000 children in that age group are treated with submersion injuries in hospital emergency rooms. The costs from near-drowning injuries can range from \$2,000 to \$80,000, and sometimes even as high as \$150,000 for severe brain damage. Sixty-five percent of the drownings or near-drownings happen in a pool owned by the child's family. An additional 33 percent of the incidents happen in a pool owned by friends or relatives. Seventy-seven percent of the swimming pool accident victims were missing for five minutes or less before they were found drowned or submerged.

The Florida, Department of Health reports that approximately 75 children drown each year in private swimming pools in Florida. DOH reports that in 1996 drowning was the leading cause of death for children 0-4 years old.

B. EFFECT OF PROPOSED CHANGES:

HB 241 requires a child to submit evidence of whether or not he or she has learned to swim prior to enrollment in school. The bill also requires the district school board to provide information to the parents or guardians regarding learn-to-swim programs available in the community. The bill does not specify what constitutes "evidence".

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?

Yes, the bill requires a child to submit evidence of whether he or she can swim at the time of enrollment and requires school board officials to provide information concerning learn-to-swim programs in their community.

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

No.

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?

Not Applicable.

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

Not Applicable.

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

Not Applicable.

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?

No.

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

No.

4. Individual Freedom:

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

Yes. This bill will help inform parents and guardians of learn-to-swim programs in their community.

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

The bill requires the school board to establish a policy and it requires the child to submit evidence of whether he or she can swim before enrolling in school.

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

Depending on the policy established by the school board, either the child (or parents) or the school board could evaluate whether the child needs to learn to swim.

(2) Who makes the decisions?

Decisions would be dependent upon school board policy.

(3) Are private alternatives permitted?

N/A

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

Families would be required to submit evidence.

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

Under the mandatory attendance provisions in s. 232.01, F.S., school board policy could not prohibit students from attending school.

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

No.

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?

No.

(2) service providers?

No.

(3) government employees/agencies?

The school board would have control of the policy.

D. STATUTE(S) AFFECTED:

Creates section 232.042, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 Requires school board of each district to establish a policy requiring a child, prior to enrollment in public school, to submit evidence of whether or not he or she has learned to swim. Requires school board to provide information regarding available learn-to-swim programs in the community to the parent or guardian of each child who, upon enrollment, has not learned to swim.

Section 2 Provides an effective date upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

This bill could have a fiscal impact directly related to the development and printing of materials provided to parents and guardians regarding learn-to-swim programs in their communities as well as in the development of new enrollment forms which include space for documentation of this new registration requirement.

2. Recurring Effects:

This bill could have a fiscal impact directly related to the development and printing of materials provided to parents and guardians regarding learn-to-swim programs in their communities as well as in the reproduction of enrollment forms which include space for documentation of this new registration requirement.

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:

Knowledge of availability of learn-to-swim programs could enable greater participation therefore lowering the drowning rate for school aged children.

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 the counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

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V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

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