

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1176

SPONSOR: Senator Kirkpatrick

SUBJECT: Principal Recommends Instructional Personnel

DATE: March 9, 2000 REVISED: 03/14/00 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/1 amendment</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

This bill requires a public school principal to recommend to the superintendent any instructional personnel to be assigned to that principal's school. The superintendent must base his or her recommendations to the school board on those of the principals.

This bill amends the following sections of the Florida Statutes: 230.23, 230.33, and 231.085, F.S.

## II. Present Situation:

### School Board Responsibility for Instructional Personnel

Section 230.23, F.S., requires boards of public school districts to designate positions to be filled, prescribe qualifications for the positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees of the school board. A board must act upon written recommendations submitted by the superintendent for filling positions and minimum qualifications for personnel. The board may reject the superintendent's recommendation for good cause and may act on its own to employ a person to fill a position if the superintendent fails to submit a nomination within certain time limits or if the board rejects the third nomination for a position.

### Superintendent Responsibility for Instructional Personnel

Section 230.33, F.S., requires a superintendent to nominate in writing persons to fill positions "to make possible the development of an adequate school program in the district."

### Principal Responsibility for Instructional Personnel

Section 231.085, F.S., requires public school principals to be responsible for the performance of all personnel employed by the school board and assigned to the school to which the principal is assigned.

Neither law nor rule requires the principal to recommend the positions to the superintendent or the superintendent to base his or her recommendations on those of the principal. In most districts, the superintendent voluntarily solicits the recommendations of principals, but it is not illegal or impossible for superintendents to employ and assign instructional personnel to a school without consulting the principal.

### **III. Effect of Proposed Changes:**

The legislation under consideration will amend ss. 230.23 and 230.33, F.S., to require the superintendent's recommendations for filling instructional positions at the school level to be "based on" nominations received from each school principal. It will amend s. 231.085, F.S., to require the principal to recommend to the superintendent instructional personnel to be assigned to the school to which the principal is assigned.

The bill will not preclude a board from rejecting a superintendent's recommendation for good cause. Nor will the bill prevent a superintendent from recommending someone whom the principal did not recommend, since a decision may be "based on" the principal's recommendation if the recommendation is merely considered and overruled. However, the provisions added in the bill send a clear message that a principal should be an important part of a district school board's employment decisions for assigning instructional personnel to a school.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

On page 1, line 29, the word “institutional” should be “instructional.” Corrected in Amendment #1.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Education:  
Corrects a misspelled word.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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