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DATE: March 28, 2001

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

BILL #: HB 1259
RELATING TO: Off-site Learning Grant Program
SPONSOR(S): Representative(s) Mack
TIED BILL(S): None

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

- (1) EDUCATION INNOVATION YEAS 13 NAYS 0
 - (2) EDUCATION APPROPRIATIONS
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
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I. SUMMARY:

Currently, nonprofit and community-based organizations must come before the Legislature each year to request specific line item appropriations. HB 1259 creates the Off-site Learning Grant Program that is designed to provide funding for nonprofit and community-based organizations that offer educational opportunities for elementary and secondary public school students in nontraditional settings.

This bill requires the Commissioner of Education to adopt eligibility criteria for the types of organizations that may be considered to receive the grants. To assist in the grant review process, the commissioner must appoint a review panel each year with members serving one-year terms. The panel must review grant applications, provide a forum for public comment before voting on any grant application, provide recommendations to the commissioner concerning the merits of the grant applications, rank the grant applicants, and recommend funding levels for each grant. The commissioner must include funding recommendations for off-site learning grants in the Department of Education's (DOE) annual legislative budget request.

HB 1259 requires the DOE to adopt rules necessary to administer the program. The DOE must establish, by rule, criteria for reviewing grant applications to ensure compliance with applicable federal and state laws relating to discrimination and conflicts of interest. Upon appropriation, the DOE must execute a project grant award to each organization. The grant must contain information relating to the program, the projected operating income and expenses, and other provisions deemed necessary by the DOE to administer the program.

This bill requires recipients of the off-site learning grants to submit to the DOE an annual report detailing the recipients' expenditure of the funds, data on the impact of the project on student achievement, and other information required by the DOE. Each grant recipient must comply with all the provisions of statute and rule as outlined in the grant.

This bill specifies that funding for the off-site learning grants is subject to legislative appropriation in the General Appropriations Act (GAA). The DOE indicates that administration of the program will cost approximately \$17,000 a year for the first two years and \$18,000 for the third year.

This act takes effect upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- 1. Less Government Yes No N/A
- 2. Lower Taxes Yes No N/A
- 3. Individual Freedom Yes No N/A
- 4. Personal Responsibility Yes No N/A
- 5. Family Empowerment Yes No N/A

This bill does not appear to support the principle of less government because it requires the Commissioner of Education to annually recommend funding for off-site learning grants to the Legislature; adopt eligible criteria for types of organizations that may be considered to receive grants; and annually appoint a review panel to assist in the grant review process. In addition to the responsibilities required of the commissioner, this bill also requires the DOE to adopt rules to administer the Off-site Learning Grant Program and to establish criteria for reviewing grant applications.

B. PRESENT SITUATION:

According to the DOE, nonprofit and community-based museums, science centers, public aquaria, and environmental centers currently must come before the Legislature to request specific line item appropriations. The counties of Broward, Dade, Duval, Leon, Hillsborough, Orange, and Pinellas each have a major museum or science center that has received legislative funding in the past. Listed below are some community-based museums that were to receive funding in the 2000-2001 GAA, but were vetoed:

<u>Specific Approp.</u>	<u>Community-based Facility</u>	<u>Amount Vetoed</u>
10D	Duval County Museum of Science & History	\$ 1,250,000
10D	Odyssey Science Center in Leon County	\$ 1,000,000
10D	Broward Museum of Discovery & Science	\$ 2,000,000
10D	Florida Environmental Learning Center at Tusawilla	\$ 1,200,000
10D	Manatee County Emerson Point Environmental Center	\$ 600,000
10D	Manatee County Project TEC Facility	\$ 372,000
2645A	International Children's Museum	\$ 250,000
2645A	Florida International Museum St. Petersburg	\$ 1,100,000
2645A	South Florida Museum/Bishop Planetarium	\$ 350,000
2645A	Smithsonian Affiliated Florida Museum--Miami	\$ 100,000
2646C	Children's Museum Facilities Program	\$ 400,000

C. EFFECT OF PROPOSED CHANGES:

PURPOSE OF THE OFFSITE LEARNING GRANT PROGRAM

HB 1259 creates the Offsite Learning Grant Program and establishes funding through the Department of Education's (DOE) annual legislative budget request. This competitive grant

program provides funding for nonprofit and community-based organizations that offer educational opportunities for elementary and secondary public school students in nontraditional settings.

REVIEW PROCESS FOR APPLICANTS

This bill requires the Commissioner of Education to adopt eligibility criteria for the types of organizations that may be considered to receive the grants. To assist in the grant review process, the commissioner must appoint a review panel each year with members serving one-year terms. The panel must review grant applications, provide a forum for public comment before voting on any grant application, provide recommendations to the commissioner concerning the merits of the grant applications, rank applicants, and recommend funding levels for each grant. The commissioner must include funding recommendations for off-site learning grants in the DOE's annual legislative budget request.

HB 1259 requires the DOE to adopt rules necessary to administer the program. The DOE must establish, by rule, criteria for reviewing grant applications to ensure compliance with applicable federal and state laws relating to discrimination and conflicts of interest. Upon appropriation, the DOE must execute a project grant award to each organization. The grant must contain information relating to the program, the projected operating income and expenses, and other provisions deemed necessary by the DOE to administer the program.

This bill requires recipients of the off-site learning grants to submit to the DOE an annual report detailing the recipients' expenditure of the funds, data on the impact of the project on student achievement, and other information required by the DOE. Each grant recipient must comply with all the provisions of statute and rule as outlined in the grant.

This bill prohibits award recipients from receiving capital funding from:

- Public Education Capital Outlay and Debt Service Trust Fund, s. 235.42, F.S.;
- Classrooms First Program, s. 235.187, F.S.;
- The Effort Index Grants, s. 235.186, F.S.;
- The School Infrastructure Thrift Program, ss. 235.2155 and 235.216, F.S.; and
- The Public Education Capital Outlay and Debt Service Trust fund as authorized in s. 9, Article XII of the State Constitution.

POSSIBLE RESULTS OF THE OFFSITE LEARNING GRANT PROGRAM

HB 1259 establishes what appears to be an equitable process for nonprofit and community-based organizations to compete for off-site learning grants by creating criteria for nonprofit and community-based organizations to use when applying for grants. By requiring a review panel composed of members who only serve one-year terms, the process appears to lend itself to being free from bias. In addition, the bill also provides for a public a forum for the review panel to receive public comment before it votes on any grant application, so an opportunity exists for all interested parties to be heard. The bill also ensures that recipient organizations comply with applicable federal and state laws related to discrimination and conflicts of interest. Since recipient organizations are required to provide an annual report to the DOE that details the expenditure of funds and data that shows the impact of the project on student achievement, a more accurate accounting of each project is possible.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 228.507, F.S., to direct the Commissioner of Education to make recommendations to the Legislature for funding off-site learning grants; provide funding requirements; provide for a review panel; provide for the adoption of criteria for reviewing the grant

applications; require the Commissioner of Education to include funding for the grants in the department's legislative budget request; provide requirements for grant recipients; require compliance with certain statutes; and require the adoption of rules.

Section 2: Provides that the act takes effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Nonprofit and community-based organizations that apply for and are recommended for grants may receive funding to support off-site learning opportunities for public school students.

D. FISCAL COMMENTS:

According to the DOE, the state will incur annual costs of travel and reimbursement of expenses for the grant review panel, including any forum for public comment for the three following years:

- Fiscal Year 2001-2002 \$16,974
- Fiscal Year 2002-2003 \$17,483
- Fiscal Year 2003-2004 \$18,007

The DOE further states that first year costs would not include grant awards, as the review panel would recommend grant awards to the 2002 Legislature for the 2002-2003 General Appropriations Act. The DOE anticipates that funding for grants will vary annually. In addition, most costs are indeterminate; as the bill does not specify the number of advisory panel members, a maximum or minimum grant award, nor the number of grants to be awarded annually. The DOE will have additional expenses related to establishing grant review criteria, executing grant awards, collecting required reports from grant recipients, and adopting any necessary rules. Staffing costs are estimated at .25 FTE of a Specialist position. Salaries, benefits, operating capital outlay, and travel costs of the panel are estimated at approximately \$17,000 for the first two years and \$18,000 for the third year.

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 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.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional issues.

B. RULE-MAKING AUTHORITY:

This bill requires the DOE to adopt rules necessary to administer the Off-site Learning Grant Program pursuant to ss. 120.536(1) and 120.54, F.S. Additionally, the DOE is required, by rule, to establish criteria for reviewing grant applications.

C. OTHER COMMENTS:

SB 1294 is comparable to HB 1259.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

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