

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2172

SPONSOR: Education Committee and Senator Brown-Waite

SUBJECT: School Advisory Councils/By-laws

DATE: March 4, 2002                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	O'Farrell	ED	Favorable/CS
2.	_____	_____	GO	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The bill requires all district and school advisory councils to adopt by-laws for the following: voting; prior notice of and scheduling of meetings; replacement of members for unexcused absences; and recording minutes of council meetings. Also, the district school boards may review all proposed by-laws and must maintain a record of the council meeting minutes.

This bill amends s. 229.58, F.S., and provides an effective date of July 1, 2002.

## II. Present Situation:

### School Advisory Councils

School advisory councils are a key component of Florida's system of school improvement and accountability. Section 229.58, F.S., requires each school board to establish school advisory councils. District advisory councils may be established if the district has fewer than 10,000 students. School boards may establish a district advisory council for those schools providing educational services to youth in Department of Juvenile Justice programs. Also, recognized schoolwide support groups which meet all the criteria established by law or rule may function as an advisory council. According to the Department of Education, approximately 2600 schools have established school advisory councils.

Each council must perform the functions that are prescribed by school board regulations; however, no council has any of the powers and duties now reserved by law to the school board. The school advisory council is solely responsible for final decision making at the school to implement the provisions of ss. 229.591, 229.592, and 230.23(16), F.S., relating to school improvement and education accountability. The law requires each council to assist in preparing and evaluating the school improvement plan and to provide assistance in the preparation of the

school's annual budget. The plans are locally developed to achieve state education goals and student performance standards.

- **Membership Composition and Organization**

Each council 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 citizens who are representative of the ethnic, racial, and economic community served by the school. A majority of the members must not be employees of the school.

The members must be elected by their respective peer groups at the school and the school board must establish procedures to select business and community members. Vocational-technical center and high school advisory councils must have student members, while middle and junior high advisory councils may include student members. The councils for vocational-technical and adult education centers are not required to include parents as members.

- **Funds**

The law requires a portion of the funds in the annual General Appropriations Act to be used in implementing the school improvement plan. A portion of the Educational Enhancement Trust Fund (lottery funds) is distributed to each school (through the districts) for the councils to use for programs and projects to enhance school performance through the implementation of the school improvement plan. The money may not be used for capital improvements or for projects or programs beyond one year. A principal may not override the selection of the use of the money.

The law (ss. 24.121(5)(d) and 229.592(7)(c), F.S.) prohibits the release of lottery funds to a district that does not comply with school advisory council membership composition requirements. Additionally, s. 229.592(7)(c), F.S., provides that the Department of Education must send a technical assistance team to each school without appropriate council membership composition to develop a strategy for corrective action. The department must provide the public with notice of this intervention and must identify the school that does not comply with the council composition requirements.

- **Reviews of Membership Composition**

The school board must review the membership of each council and, if needed, the board must appoint additional members to achieve the appropriate representation. In addition, both the Office of Program Policy Analysis (OPPAGA) and the Auditor General review the composition of the school advisory councils. These reviews have identified problems in council membership in various school districts.

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

The bill requires all district and school advisory councils in the state to adopt by-laws that establish the following requirements or procedures:

- Votes may only be taken if a quorum is present. (A quorum means a majority of the council's membership.)
- At least a three-day written, advance notice must be given to all council members when a matter is scheduled for a vote by the council.

- Meetings must be scheduled when all council members and members of the public can attend.
- Members must be replaced upon two unexcused consecutive absences from a properly noticed meeting.
- Minutes of meetings must be recorded.

District school boards may review all proposed by-laws and must maintain a record of the council meeting minutes.

#### **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:**

To the extent that the review of school advisory council by-laws can be handled at regular meetings of district school boards, the local school districts may incur minimal costs. As well, the districts may incur minimal costs associated with maintaining the minutes of the council meetings.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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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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