

# 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 2440

SPONSOR: Education Committee and Senator Margolis

SUBJECT: School District Governance

DATE: April 20, 2004                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dormady</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	<u>RC</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

CS/SB 2440 requires the establishment of committees to review the governing structure and performance of certain school districts. These committees would be established in school districts with a K-12 enrollment in excess of 350,000 students. The bill lists specific items that each district's committee will be required to review, including items relating to district school board members, their terms, and campaign finance; the district's school superintendent; the district's administrative structure; and the creation of an additional board to monitor facilities issues.

The membership of each committee must include appointees of the Governor, the Senate President, and the Speaker of the House of Representatives; a member of the State Board of Education (SBE); a district school board member and the district superintendent; the school district attorney, as a non-voting member; mayors of two municipalities; and additional members of the education establishment and county government. Staff for each committee is provided.

The committee must report its findings and recommendations to the district school board, the SBE, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2005. The section of law created by this bill will be repealed on January 1, 2006.

This bill creates an undesignated section of the Florida Statutes.

The bill will take effect July 1, 2004.

## II. Present Situation:

### *School districts with over 350,000 students*

Currently, only Miami-Dade School District has enrollment in excess of 350,000 students.

### *Constitutional framework*

The Florida Constitution contains numerous provisions that govern school districts, district school boards, and district superintendents, including the following:

#### *Organization of school districts*

- Each county constitutes one school district. Art. IX, §4.
  - Two or more contiguous counties may be combined into one school district by vote of the electors in those counties.
  - Two or more school districts may operate and finance joint educational programs.

#### *District school boards*

- Each school district must have a school board composed of five or more members. Art. IX, §4.
- District school board members must be chosen by vote of the electors in a nonpartisan election. Art. IX, §4.
- District school board members must be elected to staggered terms of four years. Art. IX, §4.
- The school board must operate, control and supervise all public schools within the district. Art. IX, §4.
- Additional specific constitutional provisions apply to district school boards in connection with the issuance of school bonds. See generally Art. XII, §9(d) and Art. VII, §12.

#### *District school superintendents*

- Each school district must have a superintendent. Art. IX, §5.
- Superintendents may be elected in a general election every four years; alternatively, the superintendent may be employed by the school board upon resolution of the school board or upon vote of the electors. Art. IX, §5.

## III. Effect of Proposed Changes:

CS/SB 2440 would establish committees in certain large school districts to review the district's individual governance structure. Committees will be established in each district with more than 350,000 K-12 students enrolled. The committee's review must emphasize an evaluation of the district's performance in the delivery of services and communication with the community.

Each committee must evaluate at least the following items relative to the school district under study:

- the number of district school board members;
- single-member representation;
- district school board member term limits;
- campaign finance relating to election of district school board members;
- the position of district school superintendent;
- the district's administrative organizational structure; and
- the creation of a construction and facilities board comprised of citizens in the community to monitor land purchase and construction of educational facilities.

Each committee must have the following membership:

- two members appointed by the Governor;
- one member of the SBE;
- one member appointed by the President of the Senate;
- one member appointed by the Speaker of the House of Representatives;
- one member of the district school board being evaluated;
- the district school superintendent of the school district being evaluated;
- the school district attorney (as a nonvoting member);
- the mayors of the two municipalities in the school district with a population greater than 50,000 selected by a vote of the local Florida League of Cities;
- one member of the education committee of the local Chamber of Commerce;
- one member of the teachers' collective bargaining unit;
- the president of the Parent Teacher Association;
- the dean of the college of education of the local state university or his or her designee;
- the president of the local community college or his or her designee;
- one member of the county commission; and
- the county mayor.

The bill provides that each committee will have a staff to assist in the school district review, consisting of a secretary and a contracted specialized consultant.

Each committee must report its findings and recommendations to the district school board, the SBE, the President of the Senate, and the Speaker of the House of Representatives no later than July 1, 2005.

The section of law created by the bill will stand repealed and the committee will cease to exist on January 1, 2006.

#### **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:**

At this time, the bill would be applicable to only one school district in the state: Miami-Dade School District. Accordingly, one committee would be established and would require funding for its work. The bill stipulates that the committee will have an executive secretary as well as a contracted consultant. The committee's work would be required to be finished in one year.

Some government expenditures will be required in connection with the committee's work, but the fiscal impact of the bill is not currently determinable. With respect to staffing costs, the bill does not specify the payment amount or other terms of the contract pursuant to which the committee's consultant would be retained. The bill also does not specify the extent to which this party would be involved with the committee's work, which will necessarily impact the cost of its services. The school district would be required to hire and pay for the committee's executive assistant.

In addition to staffing costs, the committee will incur the costs of meeting over the course of the year. The bill does not, however, stipulate whether these meetings must be in person or could be conducted telephonically. Per diem costs and travel expenses would likely be incurred for committee members in connection with meetings in the event that travel is required. The bill also does not specify how many meetings would be required to be held. Accordingly, meeting costs also are not determinable.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Certain of the topics required for consideration by these committees – such as matters relating to the election of district school board members and changes to the position of district school superintendent – would, depending on the committee’s recommendations, require state constitutional amendments to implement. For example, at this time, the constitution provides that each county constitutes a school district. The constitution provides authority for contiguous districts to join together, but not for a district to split itself into smaller parts.

Because some travel may be required in connection with committee work, a specific reference to the reimbursement of travel and per diem expenses of committee members pursuant to s. 112.061, F.S., would be helpful. A specific reference in the bill to the state’s open public meeting and public records laws would be helpful as well, given that these provisions will likely apply to the operations of the committees established by the bill.

**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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