

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill increases responsibilities, adoption of policy and reporting requirements for district school boards

B. EFFECT OF PROPOSED CHANGES:

Section 1003.43(1)(h)1, F. S., requires one credit in practical arts or exploratory career education for high school graduation. The credit can be earned through a career education course; a course in performing fine arts to be selected from music, dance, painting or sculpture; or one-half credit each in practical arts career education or exploratory career education and performing arts.

In addition, the State Board of Education has approved Sunshine State Standards for prekindergarten through grade 12 in dance, music, theater and visual arts.

House Bill 879 expands instruction in art. It establishes Legislative intent to ensure that fine and performing arts remain strong and accessible to students in the school day. The bill provides that district school boards have the responsibility of developing a fine and performing arts program for students in prekindergarten through grade 12. The art program must address the state's cultural diversity and promote creative thinking and problem solving skills. Students must be allowed sufficient time and access to the instruction in order to obtain knowledge and skills in the performing and fine arts as defined by and assessed according to the Sunshine State Standards. Each school board must adopt a written policy for providing time and access to the art program, and submit the policy to the Department of Education by January 1, 2006. The bill requires each district school board to annually report achievements and trends in the program to the Department of Education, who shall disseminate a summary to each district school board.

The bill takes effect July 1, 2005.

C. SECTION DIRECTORY:

Section 1: Creates s. 1003.457, F. S., relating to fine and performing arts; assessment.

Section 2: Sets an effective date

II. 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 government revenues.

2. Expenditures:

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

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:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate. There could be costs associated with the development of curriculum and instructional materials for a prekindergarten through grade 12 arts program in districts that do not currently have such a program. There could also be instructional costs associated with ensuring students have sufficient time and access to the program.

In addition, while the bill creates a new section related to "Fine and performing arts; assessment.," it is silent on the development and administration of assessment in fine and performing arts. If the intent is that school districts develop and administer local assessments to measure achievement in fine and performing arts in prekindergarten through grade 12, there could be a substantial fiscal impact associated with such a requirement.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

The WHEREAS clauses and legislative intent language should be removed from the bill. They add nothing to its effect and could be fodder for lawsuits. In particular, it is legally inadvisable to use "ensure" type language or language implying that an education is insufficiently complete if the bill does not pass or if the program is not fully implemented.

House Bill 879 creates a new section of law related to "Fine and performing arts; assessment." While the bill states that the instruction shall be "defined by and assessed according to the Sunshine State Standards," it is silent on the development and administration of assessment in fine and performing arts. The bill should be amended to clarify the assessment requirement.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES