

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 127 Meetings of District School Boards

SPONSOR(S): Stark

TIED BILLS: **IDEN./SIM. BILLS:** SB 134

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N, As CS	Beagle	Ahearn
2) Rulemaking Oversight & Repeal Subcommittee	10 Y, 1 N	Miller	Rubottom
3) Education Appropriations Subcommittee	12 Y, 0 N	Seifert	Heflin
4) Education Committee			

SUMMARY ANALYSIS

Florida law requires each district school board to hold at least one regular monthly meeting for the transaction of business according to a schedule arranged by the board. School board meetings must be held in the office of the district school superintendent or a room convenient to that office and regularly designated as the board meeting room. Meetings may be held at other public locations if at least 48 hours public notice is given. The law does not specify the weekdays or times in which particular meetings must be held.

The bill requires each district school board to convene at least one regular meeting per quarter during evening hours. These quarterly meetings must coincide with the school year. This change provides increased opportunity for parent and public participation in board meetings.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

District School Board Meetings

Florida law requires each district school board to hold at least one regular meeting each month for the transaction of business according to a schedule arranged by the board.¹ School board meetings must be held in the office of the district school superintendent or a room convenient to that office and regularly designated as the board meeting room. Meetings may be held at other public locations if at least 48 hours public notice is given.² The law does not specify the weekdays or times in which particular meetings must be held.

Special school board meetings are convened when called by the district school superintendent, acting individually or on the request of the board chair or a majority of the board members. If the superintendent does not call a board meeting when requested by the chair or a majority of board members, the meeting may be called by the chair or a majority of members by providing 2 days' written notice to the district superintendent.

Effect of Proposed Changes

The bill requires each district school board to convene at least one regular meeting per quarter during evening hours. These quarterly meetings must coincide with the school year. This change would provide increased opportunity for parent and public participation in board meetings. The bill also clarifies the process for calling a special meeting of the district school board without changing that procedure.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.372, F.S., relating to district school board meetings; requires school boards to convene one meeting per quarter within the school year during evening hours.

Section 2. Provides that the bill takes effect July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

¹ Section 1001.372(1), F.S.

² Section 1001.372(2)(a)-(b), F.S. The meeting must be noticed in a newspaper of general circulation in the county. If there is no newspaper of general circulation in the county, the meeting may be noticed by announcements over at least one radio station whose signal is generally received in the county or notice posted on the courthouse door. Section 1001.372(2)(c), F.S.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires district school boards to create written criteria for deciding when to convene a quarterly meeting during evening hours. As generally-applicable statements implementing the law within the district, these criteria meet the statutory definition of rules.³ District school boards are subject to the Administrative Procedure Act⁴ and are required to adopt these criteria through the statutory rulemaking process.⁵ In response to the bill, school boards are anticipated to adopt rules on when and how an evening meeting will be scheduled, whether the required evening meeting will count as one of the regular meetings convened in a given quarter, and whether different criteria for public participation will be adopted for evening meetings.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not define "evening hours".

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

³ Section 120.52(16), F.S.

⁴ Chapter 120, F.S. As an "educational unit," a district school board meets the definition of an "agency" under the APA. Section 120.52(1), F.S.

⁵ Section 120.54, F.S. Some school boards have adopted existing meeting criteria by rule. School Board of Broward County Policy 1100A, "Scheduling of Meetings," at <http://www.broward.k12.fl.us/sbbcpolicies/index.asp>; The School Board of Leon County, Policy 0160 – Meetings, at <http://www.neola.com/leon-fl/>.