

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 118

INTRODUCER: Rules Committee and Senator Hukill and others

SUBJECT: Visitation of Schools by State Legislators

DATE: January 18, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Olenick</u>	<u>Graf</u>	<u>ED</u>	Favorable
2.	<u>Olenick</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 118 authorizes an individual member of the State Legislature to visit any district school, including any charter school, in his or her legislative district, on any day and at any time at his or her pleasure, which is consistent with the authority extended in law to an individual member of a district school board and individual charter school governing board member to visit applicable schools.

The bill also clarifies that the district school superintendent's designee or the school principal's designee, in addition to the specified district employees in current law, may not limit the duration or scope of the visit or direct the visiting individual to leave the school premises.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida law specifies the power and duties of the district school board which includes, but is not limited to, visiting of schools, observing, management and instruction, giving suggestions for improvement, and advising citizens with the view of promoting interest in education and improving the schools.¹ Additionally, an individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her respective school district.² Similarly, an individual charter school governing board member may, on any

¹ Section 1001.42(27), F.S.

² Section 1001.4205, F.S.

day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board.³

The following conditions apply regarding the visitation of schools by an individual school board member or a charter school governing board member:⁴

- The board member must sign in and sign out at the school's main office.
- The board member must wear his or her board identification badge at all times while present on school premises.
- The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any other board member, may not require the visiting board member to provide notice before visiting the school.
- The school may offer, but may not require, an escort to accompany a visiting board member during the visit.
- Another board member or a district employee, including, but not limited to, the superintendent, the school principal, or his or her designee, may not limit the duration or scope of the visit or direct a visiting board member to leave the premises.
- A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to a board member.

III. Effect of Proposed Changes:

CS/SB 118 authorizes an individual member of the State Legislature to visit any district school, including any charter school, in his or her legislative district, on any day and at any time at his or her pleasure, which is consistent with the authority extended in current law to district school board members and members of a charter school governing board to visit applicable schools. The bill extends to a member of the State Legislature the conditions for school visitation that currently apply to a board member.

Consistent with the requirements in current law regarding school visitation by individual members of the district school board and the charter school governing board, the bill requires a state legislator visiting a district school to sign in and sign out at the school's main office and wear his or her State Legislature identification badge at all times while present on the school premises. The bill also clarifies that the district school superintendent's designee or the school principal's designee, in addition to the specified district employees in current law, may not limit the duration or scope of the visit or direct the visiting individual to leave the school premises.

Florida law specifies that the Legislature must establish education policy, enact education laws, and appropriate and allocate education resources.⁵ Accordingly, the bill may assist individual state legislators to fulfill their statutory responsibilities.

Similarly, laws regarding the visitation of schools by members of the legislature are in place in at least two states, Pennsylvania and Maine. In Pennsylvania, official visitors, including the Governor, Lieutenant Governor, members of the Senate and the House of Representatives, the

³ Section 1001.4205, F.S.

⁴ *Id.*

⁵ Section 1000.03(2)(a), F.S.

Secretary of Education, and members of the State Board of Education, have access to any public school in the Commonwealth at any time.⁶ In Maine, January is designated as the “Invite Your Maine Legislator to School Month.”⁷ The Governor of Maine must annually issue a proclamation inviting and urging teachers, school administrators, and legislators to observe this month through appropriate activities, including inviting Legislators to visit school classrooms to meet with teachers, school administrators, and students to promote increased knowledge among Legislators about prekindergarten to grade 12 public education programs provided to students in their legislative districts.⁸

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁶ 24 Pa.C.S. Sections 1-102, and 110.

⁷ 1 M.R.S.A Section 150-J.

⁸ 1 M.R.S.A Section 150-J.

VIII. Statutes Affected:

This bill substantially amends section 1001.4205 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on January 18, 2018:

The committee substitute clarifies that the authority extended to the state legislators to visit any district school includes visits to charter schools in the state legislator's legislative district.

- B. **Amendments:**

None.