

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 Education Pre-K - 12

BILL: SB 1474

INTRODUCER: Senator Legg

SUBJECT: District School Boards

DATE: March 30, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 1474 expands the powers and duties of a district school board by requiring the adoption of a strategic plan and makes a district school board's standards of ethical conduct applicable to administrative personnel and school officers.

The bill provides for an effective date of July 1, 2015.

II. Present Situation:

District School System

The operation and administration of schools within the district is delegated to the district's school officials.¹ The district school system is a part of the state system of public education.² District school officials must act in compliance with the state's laws and the State Board of Education's (state board) rules and standards.³

Each district school board is responsible for the operation, control, and supervision of the public schools located within its district and may exercise any power except as expressly prohibited by the State Constitution or general law.⁴ Each district school superintendent, acting as executive officer of the district school board, administers and manages the district's schools and supervises instruction within the schools.⁵ Likewise, at the school level, each principal administers the

¹ Section 1001.30, F.S.

² Section 1001.32(1), F.S.

³ *Id.*

⁴ Art. IX, s. 4(b), Fla. Const.; s. 1001.32(2), F.S.

⁵ Section 1001.32, F.S.

school and supervises instruction within the school and, develops or revises and implements a school improvement plan.⁶

General Powers & Duties of District School Boards

After considering recommendations from the district school superintendent, a district school board shall exercise the following general powers:⁷

- Determine policies and programs consistent with state law and rule deemed necessary for the efficient operation and general improvement of the district school system.
- Adopt rules to implement provisions of law conferring duties upon it.
- Adopt standards and policies to provide each student the opportunity to receive a complete education program.
- Contract, sue, and be sued.
- Perform duties and exercise responsibilities that are assigned by rule or rule.
- Assign students to schools.
- Enter into agreements for accepting credit care, charge card, and debit card payments as compensation for goods, services, tuition, and fees.

Strategic Plans

District school boards must develop, with regional workforce boards, economic development agencies, and postsecondary institutions, a strategic 3-year plan to address and meet local and regional workforce demands.⁸ The strategic plan must be based on strategies to improve, sustain, and expand career and professional education.⁹

Standards of Ethical Conduct

District school boards must adopt policies that establish standards of ethical conduct for instructional personnel and school administrators.¹⁰ The policies must:¹¹

- Require training on the standards;
- Establish a duty to report, and procedures for reporting, alleged misconduct by other instructional personnel or school administrators which affects the health, safety, or welfare of a student; and
- Include an explanation of certain protections from liability for reporting in good faith any instance of child abuse, abandonment, or neglect to the Department of Children and Families or law enforcement¹² or for disclosing information reporting former or current employees upon the request of a prospective employer.

⁶ *Id.*

⁷ Section 1001.41, F.S. District school boards have additional powers and duties. Sections 1001.42 and 1001.43, F.S.

⁸ Section 1003.491(2), F.S.

⁹ *Id.* at (2) and (3), F.S.

¹⁰ Section 1001.42(6), F.S. “Instructional personnel” means any K-12 staff member whose function includes providing direct instructional services to students (e.g., classroom teachers, student advisors, or school counselors). Section 1012.01(2). “School administrators” is a subset of the classification of “administrative personnel”; school principals or assistant principals are considered school administrators. Section 1012.01(3)(c), F.S.

¹¹ Sections 1001.42(6), F.S. Section 768.095, F.S. (providing immunity from civil liability disclosing information about a former or current employee, unless it is proven by clear and convincing evidence that the information was knowingly false or violated a civil right)

¹² Section 39.203, F.S.

In addition, district school boards and their employees are prohibited from entering into a confidentiality agreement regarding terminated or dismissed instructional personnel or administrators who resign in lieu of termination based in part on misconduct affecting the health, safety, or welfare of a student.¹³ Districts may not provide instructional personnel or school administrators terminated for such conduct with employment references or discuss their performance with prospective employers.¹⁴ Further, any contract that has the purpose or effect of concealing such misconduct by instructional personnel or school administrators is void as contrary to public policy.¹⁵

School officers are classified separately from instructional personnel and administrative personnel.¹⁶ School officers for each district school system include district school board members and school superintendents who are subject to the Code of Ethics for Public Officers and Employees¹⁷ and are required to complete 4 hours of ethics training each calendar year.¹⁸

III. Effect of Proposed Changes:

SB 1474 expands the powers and duties of a district school board by requiring the adoption of a strategic plan and makes a district school board's standards of ethical conduct applicable to administrative personnel and school officers.

The bill adds an express requirement that district school boards must adopt strategic plans.

The bill broadens the applicability of the standards of ethical conduct by adding the classification of "administrative personnel,"¹⁹ which includes persons who have district-level administrative or policymaking duties, and replacing "school administrators" with the defined classification of "school officers,"²⁰ which includes district school superintendents and district school board members.

The bill provides for an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹³ Section 1001.42(6), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Section 1012.01(1), F.S.

¹⁷ Part III of ch. 112, F.S.

¹⁸ Art. II, s. 8, Fla. Const.; ss. 112.3142 and 1012.01(1), F.S. District school board members and school superintendents are constitutional officers. Section 112.3142(1), F.S.

¹⁹ Section 1012.01(3), F.S.

²⁰ *Id.* at (1), F.S.

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.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.41 and 1001.42.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.