

STORAGE NAME: h1487a.edk

DATE: April 23, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1487

RELATING TO: Education: Transferring functions from State Board of Education to the Commissioner of Education

SPONSOR(S): Representative Warner

STATUTE(S) AFFECTED: Amends: ss. 11.42, 20.15, 228.03, 228.041, 228.062, 228.081, 228.086, 228.088, 228.092, 228.195, 228.301, 228.502, 229.011, 229.053, 229.085, 229.111, 229.512, 229.559, 229.565, 229.57, 229.59, 229.591, 229.592, 229.593, 229.594, 229.602, 229.75, 229.76, 229.771, 229.805, 229.8051, 230.03, 230.22, 230.23, 230.2316, 230.23166, 230.2318, 230.32, 230.321, 230.33, 230.64, 230.71, 232.01, 232.23, 232.2468, 232.247, 232.25, 232.303, 232.435, 233.011, 233.015, 233.056, 233.058, 233.061, 233.067, 233.115, 233.17, 233.37, 233.39, 234.01, 234.02, 234.03, 234.051, 234.091, 234.101, 234.301, 235.01, 235.014, 235.04, 235.056, 235.06, 235.15, 235.19, 235.211, 235.26, 235.31, 235.32, 235.435, 236.02, 236.0801, 236.081, 236.0811, 236.083, 236.0841, 236.1225, 236.13, 236.685, 237.211, 237.211, 237.40, 316.615, 228.121, 228.0617, and 228.085, Florida Statutes. Creates s. 229.515, F.S.

COMPANION BILL(S): SB 0868 (i) and H 1007 (s) and S 0458 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION / K-12 YEAS 11 NAYS 0
- (2) EDUCATION APPROPRIATIONS
- (3)
- (4)
- (5)

I. SUMMARY:

The bill implements Department of Education (DOE) recommendations to restructure the governance of public education at the state level.

The bill establishes the Commissioner of Education, rather than the State Board of Education (SBE), as the head of the Department of Education. The Commissioner is authorized to make rules for many aspects of public education that are currently promulgated by the SBE. The Commissioner is authorized to exempt a school district from all statutes in the Florida School Code except those relating to health, safety, civil rights, and public records and meetings. The bill repeals various statutes that DOE has determined as obsolete or unnecessary.

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II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

See **SECTION BY SECTION RESEARCH**

B. EFFECT OF PROPOSED CHANGES:

See **SECTION BY SECTION RESEARCH**

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes, the bill reduces the authority of the SBE to make administrative rules and increases the authority of the Commissioner of Education to make rules. Additionally, the bill decreases Legislative authority over educational administration.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, see (1) above.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

ACADEMIC EXCELLENCE COUNCIL'S ADDITIONAL CONSIDERATIONS:

1. Does it improve instruction?

Not applicable.

2. Does it allow teachers to teach?

Not applicable.

3. Does it improve student character?

Not applicable.

4. Does it prepare our students to be a part of the 21st century workforce?

Not applicable.

5. Does it empower parents to make decisions?

Not applicable.

6. Does it create educational options?

Not applicable.

7. Does it create an environment where students can learn?

Not applicable.

D. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 11.42(3)(b), F.S., relating to the Auditor General.

Conforms a statutory reference to reflect changes made within this legislation. Section 229.565(3), F.S. is changed to s. 229.565(2), F.S.

Section 2: Amends s. 20.15, F.S.

Currently s. 20.15, F.S., creates and sets forth the organization of the DOE with the State Board as the "head" of the agency. Additionally, it establishes five divisions whose directors are appointed by the Commissioner subject to approval by the State Board of Education (SBE). The Commissioner and SBE assign powers and duties to the divisions. Appointments to councils and committees of the DOE are made by the SBE.

Removes the authority of the State Board of Education over the Department of Education and makes the Commissioner of Education the head of the agency. The State Board is declared to be the chief policy making body for education in the state. The Board of Regents (BOR) remains director of the State University System and the State Board of Community Colleges remains director of the Division of Community Colleges.

Allows DOE to use a different organizational structure. Establishes two deputy commissioners, one for educational programs and one for planning, budgeting, and management.

Authorizes the Commissioner to appoint all members of councils and committees of the DOE except the Board of Regents, State Board of Community Colleges, Postsecondary Education Planning Commission, State Board of Independent Colleges and Universities, State Board of Independent Postsecondary Vocational, Technical, Trade & Business Schools, the community college district board of trustees, the Education Practices Commission, and the Education Standards Commission.

Section 3: Amends s. 228.03, F.S.

Currently the State Board of Education establishes rules for the state system of public education.

This section of the bill authorizes the Commissioner, in addition to the State Board of Education, to adopt rules governing the state system of public education.

Section 4: Amends s. 228.041, F.S.

Currently s. 228.041, F.S., establishes definitions and terms for specific use in the Florida School Code.

This section of the bill deletes the definition of "other educational services," and changes references to authorize rulemaking by the Commissioner instead of the SBE.

Section 5. Amends s 228.062, F.S.

Currently, the Commissioner recommends, for approval by the SBE, rules necessary for migrant education programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to make rules governing the migrant education program.

Section 6. Amends s. 228.081, F.S.

Section 228.081, F.S., authorizes the SBE to prescribe standards and requirements relating to education to be met in schools operated under the purview of HRS.

This section of the bill adds the Department of Juvenile Justice as one of the agencies providing other public educational services and corrects the name of HRS to the Department of Children and Family Services.

Section 7. Amends s. 228.086, F.S.

Currently, the Department of Education is authorized to award grants to public school districts, developmental research schools, community colleges, state universities, independent colleges and universities and museums of science to establish regional centers of excellence. The SBE is required to adopt rules to implement this section of law.

This section of the bill deletes the SBE's authority to make rules governing regional centers of excellence in mathematics, science, computers, technology and global awareness. Additionally, this section of the bill deletes provisions relating to the appointment of a director; deletes regional designations; deletes procedures for evaluating proposals from potential centers; and deletes the 1983-1994 implementation language.

The Commissioner is still authorized to create regional centers of excellence.

Section 8. Amends s. 228.088, F.S.

Section 228.088, F.S., relates to high schools and secondary schools utilization of security programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to make rules for high schools and secondary schools utilization of security programs.

Section 9: Amends s. 228.092, F.S.

Section 228.092, F.S., relates to the DOE's responsibilities regarding the retention of student records for nonpublic schools that become defunct.

This section of the bill corrects a cross reference governing the retention of student records from nonpublic schools. Under the bill, the Deputy Commissioner for Educational Programs will serve as the custodian of these student records, rather than the Management Information System (MIS) section of DOE.

Section 10: Amends s. 228.301, F.S.

Sections 228.301(2) and (3), F.S., relates to the DOE's responsibility over school food service programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the public school food service program

Section 11: Amends s. 228.301, F.S.

Section 228.301(1), F.S., provides for the SBE to promulgate rules on test security.

This section of the bill authorizes the Commissioner, in addition to the SBE, to make rules regarding test security.

Section 12: Amends s. 228.502, F.S.

Section 228.502, F.S., establishes the Education Success Incentive Program.

This section of the bill gives the Commissioner, instead of the SBE, rulemaking authority for the Education Success Incentive Program.

Section 13: Amends s. 229.011, F.S.

Section 229.011, F.S., prescribes that public education is a function of the state.

This section of the bill rewords s. 229.011, F.S., to state that the responsibility for establishing standards and regulations to assure efficient operation of all schools and educational opportunities for all children is retained by the state. This rewording serves to strengthen the language of s. 229.011, F.S.

Section 14: Amends 229.053, F.S.

Section 229.053, F.S., defines the general powers of the State Board of Education.

This section of the bill deletes from the responsibilities of the SBE:

- ◆ exercising general supervision over the divisions of DOE (including the Division of Universities);
- ◆ coordinating academic calendars of the universities, community colleges and public schools;
- ◆ ensuring maximum use of facilities;
- ◆ approving student achievement tests for community colleges and universities;
- ◆ possessing and managing all lands granted or held by the state for educational purposes;
- ◆ administering the State School Fund;
- ◆ providing the necessary administration required by federal programs;
- ◆ approving of the use of certain forms for contracts, reports, record keeping;
- ◆ creating subordinate bodies;
- ◆ contracting with independent accredited institutions; and
- ◆ adopting criteria for the establishment of new community colleges and state universities.

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All of these powers and duties, except those relating to community colleges and universities, are transferred to the Commissioner in section 17 of this bill.

The SBE is given new responsibilities of assisting in statewide economic development planning and establishing a clearinghouse of educational programs of value to economic development.

Section 15: Amends s. 229.085, F.S., relating to custody of educational funds.

This section of the bill deletes an obsolete date which made, effective July 1, 1979, personnel employed to plan and administer contract and grant projects to not acquire employment retention rights beyond the duration of the grant.

Section 16: Amends s. 229.111, F.S.

Section 229.111, F.S., provides for the acceptance of gifts by the SBE.

This section of the bill authorizes the Commissioner, instead of the SBE, to accept or decline gifts on behalf of the state system of public education.

Section 17: Amends s. 229.512, F.S.

Section 229.512, F.S., sets forth the general powers and duties of the Commissioner of Education.

This section of the bill amends the general powers and duties of the Commissioner authorizing him or her to administer the state school fund; to take action on the release of mineral rights; and to develop and implement plans for cooperating with the federal government and other public agencies to carry out educational programs.

Additionally, this section of the bill deletes the requirement that the SBE approve the appointment of division directors.

Section 18: Creates s. 229.515, F.S.

Section 229.515, F.S., is created to give the Commissioner the power to prescribe rules and minimum standards necessary to carry out his or her responsibilities under the School Code, with the exception of provisions relating to universities, community colleges, and the Florida School for the Deaf and the Blind. If not in conflict with the School Code, the rules and minimum standards will have the full force and effect of law. The section provides that the Commissioner, in prescribing such rules, is an agency for purposes of chapter 120.

Section 19: Amends s. 229.559, F.S.

Section 229.559, F.S., relates to the use of social security numbers as student identification numbers. An implementation date of the 1991-1992 school year was established.

This section of the bill deletes obsolete language relating to the implementation of the requirement and the 1991 report.

Section 20: Amends s. 229.565, F.S.

Section 229.565, F.S., requires student performance standards for reading, writing, math, science, history, government, geography, economics, and computer literacy. Standards of Excellence are also required in math and science with implementation contingent on funding. The section also specifies the screening procedures required for the Primary Education Program (PREP). Additionally, this section requires the Commissioner to annually evaluate prekindergarten early intervention programs.

This section of the bill changes the subject areas for which student performance standards are required to include: language arts, math, science, social studies, health, and physical education, the arts, and foreign language. The screening requirements for PREP are deleted. The required annual evaluation of prekindergarten intervention programs is deleted.

Section 21: Amends s. 229.57, F.S.

Section 229.57, F.S., defines the statewide assessment program.

This section of the bill deletes references to minimum standards in statewide student assessment programs. Additionally, this section specifies that the Commissioner can use census or sampling procedures to monitor educational achievement. The district testing program will now be administered in the eighth, rather than the seventh grade.

Section 22: Amends s. 229.59, F.S.

Section 229.59, F.S., establishes district educational improvement projects.

This section of the bill provides that the Commissioner, instead of the SBE, is authorized to adopt rules for the implementation of educational improvement projects.

Section 23: Amends s. 229.591, F.S.

Section 229.591, F.S., uses the phrase "Blueprint 2000" as the name of the guidelines provided for the system of school improvement and educational accountability.

This section of the bill deletes the term "Blueprint 2000."

Section 24: Amends s. 229.592, F.S.

Section 229.592, F.S., specifies several initial steps which were required to begin Blueprint 2000 during 1991. A feedback report is required to be submitted annually to the Accountability Commission outlining the following:

- ◆ accuracy of data collection and analysis;
- ◆ ability of DOE to assist school boards in emphasizing reporting on individual school improvement and progress;
- ◆ effectiveness of training and technical assistance provided by the DOE;
- ◆ effectiveness of the waiver process; and
- ◆ recommendations for improvement.

The commission is required to review each school's feedback report and submit findings to the SBE. The commission monitors a corrective action plan developed by the Commissioner if adequate progress is not being made. A waiver process is established with specific sections of law specified as being waivable under certain circumstances.

This section of the bill deletes descriptions of activities that were conducted in the initial years of the implementation of the state system of school improvement and education accountability. The Commissioner is required to develop the format for feedback from school boards; the requirement that the SBE approve the Commissioner's plan is deleted.

The language defining the waiver process is deleted and replaced with a section which allows the Commissioner to waive all statutes in the School Code, except those pertaining to civil rights and student health, safety and welfare. School districts could not be exempted from s. 286.011, F.S., relating to public meetings and records and Chapter 119, F.S., relating to public records. School districts must submit a written request to the Commissioner for approval of a superwaiver. In the request school boards must indicate how the general statutory purpose will be met, how granting the waiver will improve student outcomes, and how student improvement will be evaluated.

Section 25: Amends s. 229.593, F.S.

Section 229.593, F.S., specifies several initial activities for the Education Reform and Accountability Commission to undertake in 1991. The section outlines the appointment of commission members.

This section of the bill deletes out-dated language relating to activities which took place in 1991. The language that allowed commission members to have unlimited re-appointments is deleted. Additionally, the bill specifies that statewide organizations may nominate members "for consideration" for appointment to the Florida Commission on Education Reform and Accountability and that private members are not subject to confirmation by the Senate.

Section 26: Amends s.229.594, F.S.

Section 229.594, F.S., sets forth the powers and duties of the Florida Commission on Education Reform and Accountability.

This section of the bill repeals an obsolete date and requires the Florida Commission on Education Reform and Accountability to report to the Commissioner as well as to the Legislature and the SBE.

Section 27: Amends s. 229.602, F.S., relating to private sector and education partnerships.

This section of the bill replaces the term "career" education with "vocational" education with regard to Florida private sector and education partnerships.

Section 28: Amends s. 229.75, F.S.

Section 229.75, F.S., prescribes the relationship between the SBE and the DOE.

This section of the bill deletes language that stated "the State Board of Education and its staff shall comprise the Department of Education." It clarifies that the DOE operates only under the "policy" direction of the SBE.

Section 29: Amends s. 229.76, F.S., relating to the functions of the DOE.

This section of the bill deletes the language that the SBE directs and controls the DOE.

Section 30: Amends s. 229.771, F.S.

Section 229.771, F.S., provides for the removal from office of SBE appointed persons.

This section of the bill, authorizes the SBE, not the DOE, to remove from office, for cause, any person appointed by the SBE.

Section 31: Amends s. 229.805, F.S.

Section 229.805, F.S., provides the powers of the DOE regarding educational television.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for educational television and other electronic media.

Section 32: Amends s. 229.8051, F.S.

Section 229.8051, F.S., establishes the public broadcasting program system.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the state public broadcasting program.

Section 33: Amends s. 230.03, F.S., relating to the management of the district school system.

This section of the bill requires school districts to comply with the Commissioner's rules. Districts are still required to comply with SBE rules.

Section 34: Amends s. 230.22, F.S.

Section 230.22, F.S., provides the general powers of school boards.

This section of the bill requires school boards to comply with the Commissioner's rules. School Boards are still required to comply with SBE rules.

Section 35: Amends s. 230.23, F.S.

Section 230.23, F.S., sets forth the powers and duties of school boards.

This section of the bill requires school boards to comply with the Commissioner's rules for establishment and maintenance of school plants, exceptional student programs, school district reports, cooperation with other district boards, and school food service. The bill deletes references to the SBE's authority for such rules.

Section 36: Amends s. 230.2305, F.S.

Section 230.2305(8), F.S., provides for monitoring and technical assistance from the DOE for prekindergarten early intervention programs.

This section of the bill changes a cross reference from s. 229.565(5), F.S., to s.229.565(4), F.S., because s. 229.565(5), F.S., relating to the annual review of the prekindergarten early intervention program, is deleted in section 20 of the bill. However, s. 229.565(4), F.S., is redesignated as s. 229.565(3), F.S., and no longer exists.

The reference in this section of the bill should be corrected.

Section 37: Amends s. 230.2316, F.S., relating to dropout prevention.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for dropout prevention programs.

Section 38: Amends s. 230.23166, F.S., relating to teenage parent programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for teenage parent programs.

Section 39: Amends s. 230.2318, F.S., relating to the school resource officer program.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the school resource officer program.

Section 40: Amends s. 230.32, F.S.

Section 230.32, F.S., provides the general powers of the superintendents.

This section of the bill requires superintendents to comply with rules adopted by the Commissioner.

Section 41: Amends s. 230.321, F.S., relating to superintendents employed under Art. IX.

This section of the bill grants the Commissioner rulemaking authority over those superintendents employed under Art. IX of the State Constitution.

Section 42: Amends s. 230.33, F.S.

Section 230.33, F.S., establishes the duties and responsibilities of superintendents.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for superintendents' duties to plan and implement a school lunch program; gives the Commissioner, as well as the SBE, the authority to make rules governing reports the superintendent must make to the DOE; and gives them both the authority to assign other duties to the superintendent.

Section 43: Amends s. 230.64, F.S., relating to minimum standards for area technical centers.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for prescribing minimum standards for area technical centers.

Section 44: Amends s. 230.71, F.S., relating to intergenerational school volunteers.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for intergenerational school volunteers.

Section 45: Amends s. 232.01, F.S., relating to regular school attendance.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for compulsory attendance.

Section 46: Amends s. 232.23, F.S., relating to procedures regarding pupil records.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for maintenance and transfer of pupil records.

Section 47: Amends s. 232.2468, F.S., relating to graduation, habitual truancy, and dropout rates.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules defining habitual truancy, graduation, and dropout rates.

Section 48: Amends s. 232.247, F.S., relating to special high school graduation requirements.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for special high school graduation requirements for certain exceptional students.

Section 49: Amends s. 232.25, F.S., relating to control of pupils.

This section of the bill authorizes the Commissioner and the school board, instead of the SBE, to adopt rules for the control of pupils.

Section 50: Amends s. 232.303, F.S., relating to interagency student services.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for interagency student services and corrects the name of HRS to Department of Children and Family Services.

Section 51: Amends s. 232.435, F.S., relating to extracurricular athletic activities.

This section of the bill authorizes the Commissioner, instead of the SBE, to approve athletic trainer course requirements.

Section 52: Amends s. 233.011, F.S., relating to curriculum accountability.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for accountability in curriculum, education instructional materials, and testing. Additionally, this section of the bill deletes an obsolete date and corrects a cross reference.

Section 53: Amends s. 233.015, F.S., relating to purging of obsolete courses.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for purging, from the list of courses in the statewide course numbering system, courses that have not been taught for five years.

Section 54: Amends s. 233.056, F.S., relating to certain instructional programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for instructional programs for visually impaired and deaf students.

Section 55: Amends s. 233.058, F.S., relating to English language instruction for limited English proficient students.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for ESOL instruction.

Section 56: Amends s. 233.061, F.S., relating to required instruction.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for required instruction.

Section 57: Amends s. 233.067, F.S., relating to health education and substance abuse prevention.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for comprehensive health education and substance abuse prevention, and corrects the name of HRS to the Department of Children and Family Services.

Section 58: Amends s. 233.155, F.S., relating to prohibited acts regarding instructional materials.

This section of the bill provides that the Commissioner, instead of the SBE, adopts rules for instructional materials.

Section 59: Amends s. 233.17, F.S., relating to adoption of instructional materials.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for instructional materials terms of adoption.

Section 60: Amends s. 233.37, F.S., relating to the disposal of instructional materials.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the disposal of instructional materials.

Section 61: Amends s. 233.39, F.S., relating to textbook renovation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the renovation and repair of textbooks.

Section 62: Amends s. 234.01, F.S., relating to provision and purpose of student transportation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules regarding the provision and purpose for student transportation.

Section 63: Amends s. 234.02, F.S., relating to student health and safety during transportation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for transportation that ensure the health and safety of students.

Section 64: Amends s. 234.03, F.S., relating to tort liability regarding student transportation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules regarding school districts' tort liability for student transportation.

Section 65: Amends s. 234.051, F.S., relating to school buses.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules regarding standards and specifications for school buses and other student transportation.

Section 66: Amends s. 234.091, F.S., relating to qualifications for school bus drivers.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for bus driver qualifications.

Section 67: Amends s. 234.101, F.S., relating to school bus driver training.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for bus driver training.

Section 68: Amends s. 234.301, F.S., relating to purchase of school buses.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the pool purchase of school buses.

Section 69: Amends s. 235.01, F.S., relating to purposes governing educational facilities.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for chapter 235, F.S., governing facilities.

Section 70: Amends s. 235.014, F.S., relating to functions of the DOE regarding educational facilities.

This section of the bill authorizes the Commissioner, instead of the SBE, to approve facility surveys and priorities.

Section 71: Amends s. 235.04, F.S. relating to disposal of property.

This section of the bill authorizes the Commissioner, instead of the SBE, to make rules regarding school boards' disposal of real property.

Section 72: Amends s. 235.056, F.S., relating to lease and lease-purchase of facilities and sites.

This section of the bill specifies that it is the Commissioner's rules, instead of the SBE's, that govern when leased educational facilities are in compliance following school board declaration of public emergency.

Section 73: Amends s. 235.06, F.S., relating to safety and sanitation standards.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the safety and sanitation of facilities.

Section 74: Amends s. 235.15, F.S., relating to educational plant surveys.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for educational plant surveys.

Section 75: Amends s. 235.19, F.S., relating to site planning and selection.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for site planning and selection of educational facilities.

Section 76: Amends s. 235.211, F.S., relating to facilitating contracting and construction.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for educational facility contracting and construction standards.

Section 77: Amends s. 235.26, F.S., relating to the uniform building code.

This section of the bill makes the Commissioner responsible, instead of the SBE, for adopting the State Uniform Building Code for Public Educational Facilities Construction.

Note: Obsolete dates in subsection (9) should be stricken.

Section 78: Amends s. 235.31, F.S., relating to facilities construction contracts.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for prequalification of contractors, and to prescribe standards and specifications for facilities.

Section 79: Amends s. 235.32, F.S., relating to facilities contracts.

This section of the bill provides penalties for violation of building standards or specifications prescribed by the Commissioner, instead of the SBE, for educational facilities and contractors.

Section 80: Amends s. 235.435, F.S., relating to PECO trust fund.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the Public Education Capitol Outlay (PECO) allocation and distribution formula.

Section 81: Amends s. 236.02, F.S., relating to the FEFP.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for the Florida Education Finance Program (FEFP) reporting and budgeting requirements.

Section 82: Amends s. 236.0801, F.S., relating to the reporting of kindergarten students.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for reporting kindergarten students under the FEFP.

Section 83: Amends s. 236.081, F.S., relating to funds for school operation.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for FEFP allocation computations and reporting.

Section 84: Amends s. 236.0811, F.S., relating to educational training.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for inservice training programs.

Section 85: Amends s. 238.083, F.S., relating to student transportation funds.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for transportation funding.

Section 86: Amends s. 236.0841, F.S., relating to student remedial programs.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for student enrichment, remedial, and dropout prevention funding.

Section 87: Amends s. 236.1225, F.S., relating to gifted program grants.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for gifted program grants.

Section 88: Amends s. 236.13, F.S., relating to school board expenditures.

This section of the bill gives the Commissioner, in addition to the SBE, rule making authority for school board expenditure of state funds.

Section 89: Amends s. 236.685, F.S., relating to funding accountability.

This section of the bill gives the Commissioner, in addition to the SBE, rule making authority for class size measures.

Section 90: Amends s. 237.211, F.S., relating to school depositories.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules prescribing security measures for school depositories.

Section 91: Amends s. 237.40, F.S., relating to DSO's.

This section of the bill gives the Commissioner the authority, instead of the SBE, to require audits of public school Direct Support Organizations.

Section 92: Amends s. 316.615, F.S., relating to school buses.

This section of the bill authorizes the Commissioner, instead of the SBE, to adopt rules for school bus driver qualifications.

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Section 93: This section of the bill provides that all rules of the SBE which are in effect on June 30, 1997, remain in effect, until specifically altered, amended, or revoked in the manner provided by law.

Section 94: Repeals ss. 228.0617 and 228.085, F.S.

Section 228.0617, F.S., establishing a school-age child care incentives program, was created in 1986 to provide care before and after school for children considered to be at risk. The program has not been funded as a separate categorical program since 1991.

Section 228.085, F.S., was created in 1983 to require a state comprehensive plan for mathematics, science, and computer education. The plan was written, adopted, and implemented.

Section 95: Amends s. 228.121, F.S.

Section 228.121, F.S., provides for public school nonresident tuition fee and exemptions from the fee.

This section of the bill corrects a cross reference to s. 228.041(35), F.S., due to the changes made in section 4 of the bill. This reference cites the definition of "homeless child."

Section 96: Provides an effective date of July 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

There should be cost savings realized due to public school rule adoption by the Commissioner of Education, rather than the State Board of Education, since the process should be less cumbersome.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

Expediting the rulemaking process may provide indeterminate cost savings in the form of time, money, and effort by teachers, administrators, and staff at the school, district, and departmental levels.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

1. Section 24 of the bill makes several changes to the duties of the Commission on Education Reform and Accountability; replacing the commission with the Commissioner. As a result, the Commissioner will be responsible for developing and then monitoring the DOE's compliance with any corrective action plan developed as a result of inadequate progress.
2. Section 24 of the bill gives the Commissioner authority to waive all statutes in the Florida School Code (with exceptions). There is no oversight in the waiver process provided to the SBE or the Legislature.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 23, 1997, HB 1487 unanimously passed out of the Committee on Education K-12 with the following amendments:

- specifies the Florida Commission on Education Reform and Accountability as one of the organizations to which the Commissioner of Education does not appoint members.
- includes other education-related services in the definition of state system of public education. These services may include health services, and other special services and functions as may be authorized by law or rule as necessary to improve, promote or protect the education system.
- in the definition of a school and the definition of exceptional youth, provides for rulemaking authority of the Commissioner of Education and the state board.
- reinserts the term "adequate" to the description of state functions conforming to state constitutional language.
- retains language allowing independent institutions to contract with the state.
- reinserts current language recognizing statute *and state board rule* as governing school improvement and accountability.
- requires the Florida Commission on Education Reform and Accountability and the DOE to jointly develop the feedback report.
- requires the Commissioner of Education and the Florida Commission on Education Reform and Accountability to jointly review the results of the feedback reports.
- restructures the waiver process to allow the state board oversight, and narrows statutes eligible for waiver.
- eliminates the 21 day turnaround for waiver approval, conforming with a previous amendment.
- moves the age for kindergarten and first grade from September to June over a four-year phase in period, effective beginning June 1, 1999.
- reinserts the state board in rulemaking authority regarding required instruction.
- retains current language allowing the state board authority over certain facilities requirements.
- makes technical changes and corrects cross references.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Legislative Research Director:

A. Scott Jenkins

Lynn Cobb