

STORAGE NAME: h3901z.edk  
DATE: June 1, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

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

**BILL #:** HB 3901  
**RELATING TO:** Education  
**SPONSOR(S):** Representative Wasserman Schultz  
**COMPANION BILL(S):** SB 1158 (s)

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

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

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I. FINAL ACTION STATUS:

**PASSED THE LEGISLATURE - CHAPTER #98-271, Laws of Florida**

On April 16, 1998, HB 3901 was placed on the Consent Calendar and read a second time. Three amendments adopted in the Education K-12 Committee were traveling with the bill. Amendment 1 failed to be adopted and amendments 2 and 3 were adopted. The bill was read for a third time, passed the House as amended [YEAS 116, NAYS 0] and was immediately certified to the Senate.

On April 21, 1998, the Senate received and referred HB 3901 to Education and Ways and Means Committees. On April 24, 1998, the bill was withdrawn from the Education and Ways and Means Committees, substituted for CS/SB 1158 and read a second and third time. HB 3901 passed the Senate [YEAS 38, NAYS 0] and was immediately certified. The bill was ordered enrolled on April 24, 1998.

II. SUMMARY:

The bill provides an additional requirement for school district receipt of lottery funds by prohibiting the release of Educational Enhancement Trust Fund moneys to school districts which do not comply with school advisory council (SAC) membership composition requirements. The bill requires the Department of Education to provide technical assistance to each school without appropriate SAC membership composition. The bill requires the Florida Commission on Education Reform and Accountability to serve as a review body to determine if schools have maximized their efforts to include on their SACs minority persons and persons of lower socioeconomic status.

The bill specifies that each SAC must include in its name the words "school advisory council." The bill requires each SAC, with technical assistance provided by the Department of Education, to assist in the preparation of the school's annual budget and plan. A portion of funds provided in the General Appropriations Act for use by SACs must be used for implementing school improvement plans. The bill requires that school improvement plans, beginning in 1999-2000, must address issues relative to budget, training, instructional materials, technology, staffing, student support services, and other matters of resource allocation as determined by school board policy.

The bill requires school boards to adopt policies which encourage and enhance decision making at the school site level. Policies must include guidelines concerning instructional materials and technology, staff training, student support services, budgeting, and the allocation of staff resources. School boards must adopt a waiver process to allow schools to exercise maximum flexibility and must notify SACs of waiver processes which may be exercised to waive district and state policies. School boards must also develop policies to monitor membership composition of SAC to ensure compliance with statute.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

**School Advisory Council Establishment and Membership**

School advisory councils (SACs) are a key component of Florida's school improvement and accountability system. Section 229.58, F.S., requires the school board to establish a SAC for each school in each district and to develop procedures for the election and appointment of advisory council members but gives smaller school districts (those with fewer than 10,000 students) the option of establishing a district advisory council.

Each SAC must be composed of the school's principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community members who are representative of the ethnic, racial, and economic community served by the school. Council members must be elected by their respective peer groups at the school in a fair and equitable manner. The school board must establish procedures for use by schools in selecting business and community members and must review the membership composition of each advisory council. Should a school board determine that the membership of the SAC is not representative of the ethnic, racial, and economic community served by the school, the board must appoint additional members to achieve proper representation.

Performance reviews conducted by the Office of the Auditor General in 1993-94 and by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) in 1995-96 found persistent problems in SAC memberships. The 1995-96 performance review looked at school improvement efforts in 14 school districts. In one-third of the SACs reviewed, 50 percent of the SAC members were new to the councils. Almost half of the SACs reviewed did not include all statutorily required membership groups, such as business/community members and education support employees. About one-third did not reflect the school community's racial and ethnic diversity. Sixty-three percent were dominated by school employees and 78 percent were dominated by school district employees.

Legislation passed during the 1997 legislative session required each SAC to draw a majority of its membership from individuals who are not school board employees. (Ch. 97-279, L.O.F.)

**School Advisory Council Duties**

Each school advisory council must perform such duties as are prescribed by regulations of the school board, although no advisory council will have any powers or perform duties reserved by law to the school board. s. 229.58(2), F.S. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(16), F.S.

**School Improvement Plans**

School improvement plans are locally developed "blueprints" for achieving the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592, F.S. Section 230.23(16), F.S., requires district school boards to annually approve and require implementation of a new, amended or continuation school improvement plan for each school in the district. Each SAC assists in preparing and evaluating the school's improvement plan and provides any assistance *requested* by the principal in preparing the school's annual budget.

**The Educational Enhancement Trust Fund**

The Educational Enhancement Trust Fund, administered by the Department of Education (DOE), receives funds from the sale of lottery tickets and must be used to the benefit of public education. Section 24.121, F.S., requires that at least 50% of the moneys paid for lottery tickets be returned to the public in the form of prizes, and that at least 38% of the moneys be deposited into the Educational Enhancement Trust Fund each fiscal year. The remaining 12% is used to pay lottery administrative expenses. Any unencumbered balance remaining in the Administrative Trust Fund at the end of the fiscal year is transferred to the Educational Enhancement Trust Fund.

School districts in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16), F.S., will not receive funds from the Educational Enhancement Trust Fund. DOE must provide notice to the public that it will intervene and identify each school without a plan and must send a technical assistance team to each school without an approved plan to develop such a plan. Upon approval of the plan, DOE shall release the funds.

### **Florida Commission on Education Reform and Accountability**

The Florida Commission on Education Reform and Accountability was created in 1991 as an advisory body which oversees the development, establishment, implementation and maintenance of a program of school improvement and accountability from preschool through grade 12. The Commission is assigned to the Office of the Commissioner of Education for administrative and fiscal accountability purposes but otherwise functions independently. The Commission consists of the Commissioner of Education, the Lieutenant Governor and 21 appointees determined by the Governor, the Senate President, the Speaker of the House of Representatives and the Commissioner of Education.

This year, the Commissioner of Education has asked the Commission on Education Reform and Accountability to serve as the statewide School Advisory Council advocacy group.

## **B. EFFECT OF PROPOSED CHANGES:**

### **School Advisory Council Establishment and Membership**

The bill specifies that each school advisory council must include in its name the words "school advisory council." The bill provides that The Florida Commission on Education Reform and Accountability serve as a review body to determine if schools have maximized their efforts to include minority persons and persons of lower socioeconomic status on their advisory councils

### **School Advisory Council Duties**

The bill requires that, by the 1999-2000 academic year, each SAC, with technical assistance from DOE, must assist in the preparation of the school's annual budget and plan as required by statute. A portion of funds provided in the General Appropriations Act for use by SACs must be used for implementing school improvement plans.

### **School Improvement Plans**

The bill provides that the SAC shall be the sole body responsible for final decision making at the school relating to implementation of the provisions concerning the state system of school improvement and education accountability pursuant to ss. 229.591, 229.592, and 230.23(16), F.S.

Beginning in 1999-2000, the bill requires each school improvement plan to address the following issues:

- budget
- training
- instructional materials
- technology
- staffing
- student support services
- other matters of resource allocation

### **The Educational Enhancement Trust Fund**

The bill amends s. 24.121, F.S., relating to the allocation of revenues and expenditures of funds for public education, deleting an obsolete date. The provision of law initially took effect July 1, 1993, and in conjunction with the requirement of s. 230.23(16), F.S., for the annual approval of school improvement plans, has been interpreted by districts and the DOE to mean that school improvement plans must annually be approved by July 1.

The bill provides that school districts which do not comply with SAC membership composition requirements pursuant to s. 229.58(1), F.S., will not receive funds from the Educational Enhancement Trust Fund administered by DOE. Public notice must be given of such schools and DOE must send a technical assistance team to each school without appropriate school advisory council membership composition to help develop a strategy for corrective action. Funds will be released upon establishment of a plan of corrective action.

### **Local-level Decision making**

The bill requires that school boards adopt policies which encourage and enhance maximum decision making appropriate to the school site. Policies must include guidelines concerning the adoption and purchase of district and school site instructional materials and technology, staff training, student support services, budgeting, and the allocation of staff resources.

The bill requires that school boards adopt a waiver process by which schools can exercise maximum flexibility. School boards must notify school advisory councils of their option to make use of the waiver process to waive school district and state policies.

The bill requires school boards to develop policies providing for monitoring of the membership composition of school advisory councils to ensure compliance with requirements established in s. 229.58, F.S.

## **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?

N/A

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

*The bill authorizes each SAC, with technical assistance from DOE, to assist in the preparation of the school's annual budget and plan.*

*The bill also authorizes the Florida Commission on Education Reform and Accountability to serve as a review body to determine if schools have maximized their efforts to include on their SACs minority persons and persons of lower socioeconomic status.*

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

N/A

- 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?

N/A

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

N/A

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

N/A

2. Lower Taxes:

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

*The bill increases the authority of SACs and makes SACs the sole body responsible for final decision making on issues relating to school improvement and accountability at the school.*

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

N/A

5. Family Empowerment:

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

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

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**D. STATUTE(S) AFFECTED:**

The bill amends ss. 24.121, F.S., 229.58, F.S., 229.592, F.S., and 230.23, F.S.

**E. SECTION-BY-SECTION RESEARCH:**

Section 1: Amends s. 24.121, F.S., relating allocation of revenues and expenditure of funds for public education; providing an additional requirement for school district receipt of lottery funds.

- Section 2: Amends s. 229.58, F.S., relating to district and school advisory councils; providing a name requirement for school advisory councils and providing council responsibilities and duties; providing for certain council review; and providing for the use of funds.
- Section 3: Amends s. 229.592, F.S., relating to school improvement and education accountability; conforming provisions relating to release of funds to school districts; and requiring notice of certain deficiency.
- Section 4: Amends s. 230.23, F.S., relating to school board duties; providing requirements for school improvement plans; and requiring local-level decision making policies.
- Section 5: Provides an effective date of July 1 of the year in which enacted.

**IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A



C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. **FISCAL COMMENTS:**

The fiscal impact of this bill is negligible. The bill requires DOE to provide technical assistance to SACs and to assist in the preparation of the school's annual budget and plan. Costs for developing additional policies and guidelines, for collecting and maintaining socioeconomic data concerning the district population and for training SAC members may accrue to districts and schools.

V. 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 expend 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 counties or municipalities 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.*

VI. COMMENTS:

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 6, 1998, HB 3901 was voted favorably out of the Education K-12 Committee with the following amendments:

Amendment 1  
page 2, lines 13-14  
by Representative Horan:

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Removes language that provides that the school advisory council shall be responsible for *final decision making* at the school relating to matters concerning school improvement and education accountability requirements.

Amendment 2

page 2, line 17

by Representative Culp:

Removes the word "board" from existing language that provides that a majority of the members of each school advisory council must be persons who are not employed by the school, rather than the *school board*.

Amendment 3

page 6, line 8

by Representative Alexander:

Inserts language to add *school advisory board member training* to the list of policy topics for which the school board must adopt guidelines for schools.

VIII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Legislative Research Director:

Susan E. Pratt

M. Elizabeth Atkins

**FINAL RESEARCH PREPARED BY COMMITTEE ON EDUCATION K-12**

Prepared by:

Legislative Research Director:

Susan E. Pratt

M. Elizabeth Atkins