

STORAGE NAME: h4157a.leps

DATE: April 15, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4157

RELATING TO: School Safety

SPONSOR(S): Representative Fischer

COMPANION BILL(S): SB 2180

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

- (1) EDUCATION K-12 YEAS 10 NAYS 0
 - (2) LAW ENFORCEMENT AND PUBLIC SAFETY YEAS 7 NAYS 0
 - (3) GOVERNMENTAL OPERATIONS
 - (4) EDUCATION APPROPRIATIONS
 - (5)
-

I. SUMMARY:

This bill creates the "Safe Schools Act" (s. 232.2565, F.S.), with the intent of emphasizing the importance of a safe and orderly learning environment to the education process and the general welfare of the school population. The bill specifies minimum school safety program requirements, provides minimum school safety incident reporting requirements, provides for a reporting procedure evaluation and sanctions for innaccurate reporting, and provides for School Safety Awards.

The bill amends provisions relating to school advisory councils, school resource officers, and the authority of school principals to reflect the requirements of the "Safe Schools Act."

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

School Advisory Councils

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 the district, but gives smaller school districts (those with fewer than 10,000 students) the option of establishing a district advisory council. 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. School improvement plans are locally developed "blueprints" for achieving the state education goals and student performance standards. Section 229.58(2), F.S., specifies that no SAC shall have any of the powers and duties now reserved by law to the school board.

School Resource Officers

The duties of a school resource officer, if employed by a district, are prescribed by s. 230.2318, F.S. School resource officers are paid by funds from the Safe Schools allocation. A school's need for a school resource officer, and whether to expend Safe Schools funds for such a need, is determined by the school board.

Authority of Principal

Under current statute, a principal is required to develop policies for delegating to any teacher or other member of the instructional staff or to any bus driver transporting students of the school responsibility for the control and direction of students. The principal or the principal's designee is required to include an analysis of suspensions and expulsions in the annual report of school progress required by s. 229.592, F.S. (s. 232.26, F.S.)

School Safety Programs

Section 232.257, F.S., required school districts desiring to receive funds for the School Safety Trust Fund created by this section of law to submit a school safety program plan to the Commissioner of Education. The Commissioner was required to release school safety funds to this district based on the "value, possible value, success, or continued success" of any proposed or existing school safety program submitted for review. This trust fund was never funded, and so was repealed by chapter 97-190, L.O.F. Current statute does not provide requirements for school safety programs.

Safety Incident Reporting

The *School Environmental Safety Incident Reporting System (SESIR)* was established statewide in the 1995-96 school year to assist schools, districts, and staff of the Department of Education (DOE) at the state level in assessing major need areas and the extent and nature of problems in school safety. The SESIR system requires schools to report serious safety incidents of 21 types that occur on school grounds, on school transportation, or off-campus at school-sponsored events when a student is involved. Definitions of incident types are based on those used for the Florida Department of Law Enforcement Uniform Crime Reporting system. Incidents that occur any day of the year and any hour of the day or night are to be reported, even if a student was not involved. With the assistance of eight pilot districts, the system was designed to meet statewide reporting needs and to give districts as much flexibility as possible to develop systems that meet local reporting needs. The SESIR system fulfills the reporting requirement of Goal 5 of Florida's System for School Improvement and Accountability: achieving a safe learning environment.

Data quality issues have been identified relating to variations in perceptions of incident types and variations in personnel reporting the incidents (mostly related to training levels). The Department

of Education (DOE) has received a two-year Federal grant to provide districts with assistance in the form of training to improve reporting consistency and accuracy. In addition, section 230.235, F.S., which was created by HB 1309 (chapter 97-234, LOF), requires districts and local law enforcement agencies to develop cooperative agreements regarding the reporting of crimes committed by students. According to DOE staff, these two measures should alleviate many of the reported problems relating to inconsistency in reporting.

Safe Schools Appropriation

For the 1997-98 fiscal year, \$50,350,000 was included in the General Appropriations Act for Safe Schools. This money is allocated by a formula based on the Florida Crime Index and based on each district's share of the state's total weighted student enrollment. Proviso language defines Safe Schools activities as: (1) after school programs for middle school students, (2) other improvements to enhance the learning environments, including implementation of conflict resolution strategies, and (3) alternative school programs for adjudicated youth. Safe Schools money is distributed to the district, and is then distributed to each school based on need (as determined by the district). During the 1996-97 school year, districts were authorized by proviso language to use safe schools money for other instructional purposes if approved by the school board. Only a small percent of the total safe schools allocation was used by districts for other instructional purposes.

B. EFFECT OF PROPOSED CHANGES:

This bill creates the "Safe Schools Act" (s. 232.2565, F.S.), with the intent of emphasizing the importance of a safe and orderly learning environment to the education process and the general welfare of the school population. The bill:

- **Specifies minimum school safety program requirements**--the school improvement plan required by s. 230.23(16), F.S., is required by the bill to include specific strategies for cultivating a school environment that is safe and drug-free and in which a student's health and civil rights are protected. Such school safety program plans will be taken into consideration by the district school board when distributing to each school funds appropriated by the Legislature for school safety.
- **Provides minimum reporting requirements**--to promote accurate and consistent reporting of serious safety incidents, the school principal, or his or her designee, will be required to annually compile and submit to the district school board a School Environmental Safety Incident Report which includes all serious safety incidents that occur at the school, according to rules of the state board, and which has been reviewed and approved by the school advisory council and, if applicable, the school resource officer. The district school board will submit the School Environmental Safety Incident Report of each school in the district to the DOE for inclusion in a statewide report.
- **Provides for reporting procedure evaluation and sanctions**--by January 1, 1999 the Office of Program Policy Analysis and Government Accountability (OPPAGA) will review and evaluate current safety incident reporting procedures of schools and school districts to determine accuracy, and will develop recommended changes to correct deficiencies in current reporting procedures. The state board is authorized to recommend to a school or district measures, including mandatory training, to correct the cited deficiencies. A follow-up review will be conducted by OPPAGA to determine if such recommendations have been implemented and whether the accuracy of School Environmental Safety Incident Report data has improved.
- **Provides for School Safety Awards**--each school district will annually select, based on district determined criteria, one elementary, one middle, and one high school to be presented a School Safety Award. The awards will be represented by a plaque, medal, ribbon, or photograph, as determined by the Commissioner.

The bill amends provisions relating to school advisory councils, school resource officers, and the authority of school principals to reflect the requirements of the "Safe Schools Act."

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 requires SACs and school resource officers, if appropriate to review and approve the School Environmental Safety Incident Report. The bill also requires OPPAGA to review and evaluate current safety incident reporting procedures of schools and districts, and to develop recommended changes to correct deficiencies in the reporting procedures. OPPAGA must also perform a follow-up review to determine if such recommendations have been implemented and whether the accuracy of the School Environmental Safety Incident Report data has improved.

(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?

N/A

- 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

STORAGE NAME: h4157a.leps

DATE: April 15, 1998

PAGE 7

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

The bill amends ss. 229.58, 230.2318, and 232.26, F.S., and creates s. 232.2565, F.S.

E. SECTION-BY-SECTION RESEARCH:

- Section 1: Amends s. 229.58, F.S., relating to school advisory councils; providing duties of school advisory councils with respect to School Environmental Safety Incident Reports.
- Section 2: Amends s. 230.2318, F.S., relating to school resource officers; providing duties of school resource officers with respect to School Environmental Safety Incident Reports.
- Section 3: Creates s. 232.2565, F.S., entitled the "Safe Schools Act"; requiring the development of school safety programs; providing reporting requirements; providing for a School Environmental Safety Incident Report; providing duties of the Department of Education; providing duties of the Office of Program Policy Analysis and Government Accountability in evaluating school safety reporting procedures; and providing for school safety awards.
- Section 4: Amends s. 232.26, F.S., relating to the authority of school principals; providing for the reporting of serious safety incidents for inclusion in School Environmental Safety Incident Reports.
- Section 5: Provides an effective date of upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See Fiscal Comments.

2. Recurring Effects:

See Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comments.

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 will be negligible. The DOE will be required to provide School Safety Awards, in a form determined by the Commissioner, for three schools in each district. The DOE will be required to provide training for certain school district personnel, for which the Department has received a Federal grant (\$600,000/year for two years). According to staff of OPPAGA, provisions of the bill which require OPPAGA to review and evaluate current safety incident reporting procedures of schools and districts, to develop recommended changes to correct deficiencies in the reporting procedures, and to perform a follow-up review may impact OPPAGA's travel budget but will not result in the need for additional staff.

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 expend funds or to take an action requiring the expenditure of funds.

STORAGE NAME: h4157a.leps

DATE: April 15, 1998

PAGE 9

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:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

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