

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 994

SPONSOR: Committee on Education and Senator Horne

SUBJECT: Florida School for the Deaf and the Blind

DATE: April 5, 1999

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hill</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill updates the mission of the Florida School for the Deaf and the Blind and gives the school greater management flexibility in two areas:

- It permits, rather than requires, the school to use the Department of Management Services for project management, building design plan reviews, and building code compliance reviews and inspections. The school may obtain these services in the same manner as district school boards and community college boards of trustees.
- It allows the school's board of trustees, like other educational boards, to contract with private attorneys without obtaining prior written approval from the Attorney General.

The bill authorizes the school to receive state funds from the Florida School Improvement and Academic Achievement Trust Fund to match private contributions. Existing law terminates the trust fund effective July 1, 1999.

This bill substantially amends the following sections of the Florida Statutes: 235.014, 235.017, 236.1229, 242.3305, and 287.059.

II. Present Situation:

The Florida School for the Deaf and the Blind (FSDB) is part of the state system of public education. It was established in St. Augustine, Florida, in 1885 as a residential school for deaf and blind students. The FSDB still functions primarily as a residential educational facility, serving sensory-impaired children in preschool through grade 12. The school also serves some students from the local area on a day-school basis.

The school's statutory mission is "...to provide free appropriate public education for eligible hearing-impaired and visually-impaired students of Florida, offer educational opportunities which

promote the development of healthy minds and bodies, and provide adult lives of independence and self-sufficiency, meaningful personal, family, and community lives, and useful, productive occupational lives”(s. 242.3305(2), F.S.). The school may provide educational services on an out-reach basis to sensory-impaired children from birth through age 5 years and their parents.

The FSDB is governed by an independent board of trustees selected by the Governor, subject to Senate confirmation. The board of trustees enjoys a great deal of management and budgetary flexibility, but does not have the same flexibility accorded district school boards, community college boards of trustees, and the Board of Regents in managing educational facility construction projects and ensuring building and life safety code compliance.

Section 235.017, F.S., requires all education boards to ensure that all new construction, renovation, remodeling, day labor, and maintenance projects conform to the State Uniform Building Code for Public Educational Facilities Construction or, where applicable as authorized in other sections of law, other building codes, and life safety codes. District school boards and community college boards of trustees may provide compliance as follows:

- Boards or consortia may individually or cooperatively have board or consortia employees, who are registered professional engineers or registered architects, provide review services under the insurance risk management oversight.
- Boards may have their employees, who are registered professional engineers or registered architects, review construction documents.
- Boards may ask the Department of Education to review phase III construction documents.
- Boards or consortia may contract with registered professional engineers and registered architects for plan review services.
- Boards may ask the Department of Management Services (DMS) to review and approve construction documents for projects that DMS is managing for the board.

Sections 235.014(7) and 235.017(3), F.S., requires the Department of Management Services to do project management, building design plan review, and code compliance reviews and inspections for facilities constructed, remodeled, or renovated by the FSDB.

The FSDB, like most state agencies and boards, must have prior written approval of the Attorney General before contracting for private attorney services (s. 287.059, F.S.). The Attorney General’s prior written approval is not required for private attorney services:

- Procured by the Executive Office of the Governor or any department under the exclusive jurisdiction of a single Cabinet officer;
- Provided by legal services organizations to indigent clients;
- Necessary to represent the state in litigation involving the Florida Casualty Insurance Risk Management Trust Fund pursuant to chapter 284, part II;
- Procured by the Board of Regents and the universities of the State University System; or

- Procured by community and junior colleges or multi-county special districts.

Florida School Improvement and Academic Achievement Trust Fund

The Florida School Improvement and Academic Achievement Trust Fund (s. 236.12295, F.S.) was authorized to provide challenge grants and matching endowment grants to school district education foundations that receive private contributions to improve district schools and academic programs.

Section 236.1229, F.S., specifies how appropriations to the Florida School Improvement and Academic Achievement Trust Fund will be allocated among public school district education foundations and the Florida Education Foundation of the Department of Education. Since the statute refers only to those foundations, the Florida School for the Deaf and the Blind may not receive funds appropriated for these challenge grants or matching endowment grants.

For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations, must be reserved for each public school district education foundation to provide each foundation with an opportunity to receive and match a challenge grant. Trust funds that remain unmatched by contribution on March 1 of any year shall also be available for matching by any public school district education foundation or by the Department of Education Florida Education Foundation. No public school district education foundation may receive more than its percentage of the total full-time equivalent enrollment or 15 percent, whichever is greater, of the funds appropriated to the trust fund for that fiscal year.

Challenge grants must be proportionately allocated from the trust fund on the basis of matching each \$4 of state funds with \$6 of private funds. To be eligible for matching, a minimum of \$4,500 must be raised from private sources.

Donations, state matching funds, or proceeds from endowments must be used at the discretion of the public school district education foundation for improving schools and academic achievement within the school district and must not be expended for the construction of facilities or for the support of interscholastic athletics. No public school district education foundation may accept or purchase facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

These grants were funded in Fiscal Year 1996-97 by a \$500,000 appropriation. Since no subsequent appropriations were made for this program, the trust fund was never created. The law that authorized the trust fund (ch. 95-271, Laws of Florida) also terminates the trust fund effective July 1, 1999.

III. Effect of Proposed Changes:

This bill updates the mission of the Florida School for the Deaf and the Blind to better reflect its commitment to provide sensory impaired students with opportunities to maximize their learning potentials and become literate, employable, and independent life-long learners.

The FSDB and its board of trustees will have greater management flexibility in two areas:

- When constructing, remodeling, renovating its facilities, the school may exercise the same plan review, code compliance, and project management options as district school boards and community college boards of trustees. The school may contract with or employ registered professional engineers or registered architects; obtain those professional services through a consortium of boards; contract with the Department of Management Services for services on specific projects; and use technical assistance and phase III plan review services of the Department of Education.
- The board, like other educational boards, may contract with private attorneys without prior written approval from the Attorney General.

The bill amends s. 236.1229, F.S., to allow the FSDB to receive grants from the Florida School Improvement and Academic Achievement Trust Fund to match private contributions to the FSDB endowment fund. The school's allocation would not be limited to the greater of the school's share of total full-time equivalent student enrollment or 15 percent of the funds appropriated in any fiscal year.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

If the Florida School Improvement and Academic Achievement Trust Fund is reenacted and funded, the available funds would be used to match private contributions to the FSDB as well as school district foundations. Considering the limited funding history of this program,

adding the FSDB to potential recipients would have little fiscal impact on participating school districts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
