

STORAGE NAME: h0817s1.edk

DATE: April 14, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
ANALYSIS**

BILL #: CS/HB 817

RELATING TO: Study of The Hazardous Walking Conditions

SPONSOR(S): Committee on Education K-12 and Representative C. Green & Others

TIED BILL(S): None.

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

- (1) EDUCATION K-12 YEAS 8 NAYS 0
 - (2) COMMUNITY AFFAIRS
 - (3) EDUCATIONS APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

CS/HB 817 creates s. 234.0215, F.S., to require each school district and state or local governmental entity to conduct a study of hazardous walking conditions, to include charter schools in the study, and to report the findings to the Department of Education (DOE) by December 31, 2000, then the DOE is to report the findings of the districts and state or local governmental entities to the Legislature by March 1, 2001.

The bill requires each school district and state or local governmental entity to jointly develop a priority list of hazardous walking conditions that have been identified but not yet corrected. It also requires that each school district use the priority list to monitor school safety transportation.

The bill requires that the study include an estimate of the fiscal impact for correcting each hazardous walking condition and a statement citing reasons each hazardous condition has not been corrected.

The bill requires that the study recommend and provide fiscal estimates to expand s. 234.021(1), F.S., to include students in grades K-12. The study must also include recommendations for changes to the law for identifying hazardous walking conditions and must provide fiscal estimates for the changes.

This bill provides for an effective date of July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill requires school districts and local governments to conduct a study and report the findings to the DOE by December 31, 2000, and requires the DOE to report the findings of each district and state or local governmental entity to the Legislature by March 1, 2001.

B. PRESENT SITUATION:

Transportation of All Children

Section 236.083(1)(a), F.S., provides for the allocation of funds to each district for transportation to public school programs of students in membership in kindergarten through grade 12, by reason of living 2 miles or more from school.

Governmental Entities Working Cooperatively

Section 234.021(2)(b), F.S., provides legislative intent for school districts and local governmental entities to work cooperatively to identify conditions which are hazardous to students who must walk to school and to correct the hazardous conditions within a reasonable period of time.

Identification of Hazardous Walking Conditions

Section 234.021(2), F.S., provides for the identification of hazardous walking conditions for students grades kindergarten through grade 6 who walk to school and who live within the 2-mile limit of the school. The procedure applies after a request for review is made to the superintendent or his or her designee. The procedure includes the following requirements:

- An inspection by the school district representative and a representative of the local governmental entity where the perceived hazardous condition exists.
- A determination by these representatives as to whether or not the perceived condition is hazardous to students and a report to the Department of Education.
- A request, if a condition is hazardous to students, by the district school board for a determination from the state or local governmental entity having jurisdiction as to whether the hazard will be corrected, and, if so, a projected completion date.
- An allocation of state funds for the transportation of students subjected to these hazards, provided that the funding stops upon correction of the hazard or projected completion date, whichever occurs first.

Section 234.01, F.S., enumerates the students and others who must be provided with transportation, as well as students and others who may be provided with transportation by the district school board. School boards, after considering recommendations of the superintendent, must provide transportation for public elementary school students whose grade level does not exceed grade 6, if these students are subjected to hazardous walking conditions as provided in s. 234.021, F.S., while en route to or from school. In each case in which transportation of students is impracticable, as deemed by the school board, the school board may take steps to make available educational facilities that are practical and authorized by law or rule of the commissioner.

C. EFFECT OF PROPOSED CHANGES:

Study of Hazardous Walking Conditions

CS/HB 817 creates s. 234.0215, F.S., to provide for a study of hazardous walking conditions. Each school district and state or local governmental entity having jurisdiction is required to conduct a study of hazardous walking conditions. The study will include charter schools. Each district is required to report its findings to the DOE by December 31, 2000, and then the DOE is required to report the findings of the districts and state or local governmental entities to the Legislature by March 1, 2001.

Identification of Hazardous Walking Conditions

CS/HB 817 requires each school district and state or local governmental entity to jointly develop a priority list of hazardous-walking-conditions projects that have been identified but have not yet been corrected. Each school district must use the priority list to monitor school transportation safety.

The study must include the number of hazardous walking conditions which have been identified and have not been corrected within 5 years after the identification and a fiscal impact of the cost to correct each hazardous condition.

Recommendations and Fiscal Estimates

The study must also include recommendations and fiscal estimates for:

- any changes to current law for expanding the definition of a student in s. 234.021(1), F.S., to include students in grades K-12,
- any changes to current law for identifying hazardous walking conditions for walkways parallel to the road,
- any changes to current law for identifying hazardous walking conditions for walkways perpendicular to the road, and
- any other recommendations for considering additional criteria for determining hazardous walking conditions.

School Bus Loading and Departure/Loading and Departure Locations for Parents, etc

The study must identify, by district, the number of schools that:

- separate the school bus loading and departure locations from the loading and departure locations for parents, guardians, or others who provide transportation to children, and
- provide transportation to students for whom transportation is not currently required under state law, including data on the numbers of students and their grade levels.

Incentive Funds

Identification of schools under this subsection may be used as a basis for providing incentive funds to specific school districts in the 2000-2001 legislative session.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Section 234.0215, F.S., relating to study of hazardous walking conditions, to require districts and state or local governmental entities having jurisdiction to conduct a study of hazardous walking conditions, to include charter schools in its study, to report its findings to the DOE by December 31, 2000, and to require the DOE to submit a report of the district's findings to the Legislature by March 1, 2001.

Section 2: Provides for an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The Department of Education estimates the statewide cost to districts to prepare the study is approximately \$271,000.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

See above.

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 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.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 10, 2000, the Committee on Education K-12 adopted 2 amendments and made HB 817 into a committee substitute. The committee substitute differs from the original bill in the following ways:

- Creates s. 234.0215, F.S., requiring a study of hazardous walking conditions,
- Removes the expansion of transportation to students in grades K-3 who live 1-mile from school and those in grades 4-12 who live at least 2 miles from school,
- Removes the requirement for state or local governmental entities having jurisdiction over hazardous walking conditions to make appropriate budgetary allocations and to correct the hazardous conditions within a reasonable time after the local school district notifies the responsible governmental entity of the hazardous conditions,
- Removes the expansion of hazardous walking conditions area to students who are in grades K-3 who live within the 1-mile limit, or students who are in grades 4-12 and live within the 2 mile limit,
- Removes the requirement for state or local governmental entities to make appropriate budgetary allocations to correct such hazardous conditions within a reasonable time after notification,

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- Removes the expansion of hazardous “walkways parallel to the road,” and
- Removes the authority of the Commissioner of Education to approve the district’s designation of a hazardous walking conditions in an area that under certain circumstances does not meet the criteria for hazardous walking conditions.

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

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