

STORAGE NAME: h1661.ge.doc

DATE: February 17, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GENERAL EDUCATION
ANALYSIS**

BILL #: HB 1661

RELATING TO: School advisory councils/bylaws

SPONSOR(S): Representative(s)Justice

TIED BILL(S): None.

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

- (1) COMMITTEE ON GENERAL EDUCATION
- (2) COUNCIL FOR LIFELONG LEARNING
- (3)
- (4)
- (5)

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

I. SUMMARY:

HB 1661 requires all school advisory councils in the state to have bylaws that establish the following specific requirements or procedures:

- Votes may only be taken if a quorum is present. A quorum is defined as a majority of the membership of the SAC.
- At least a three-day written, advance notice must be given to all SAC members when a matter is coming before the SAC that requires a vote.
- Meetings are to be scheduled when all members can attend.
- Replacement of members who have two unexcused consecutive absences from a properly noticed meeting.
- Recording of meeting minutes.

Currently, schools report that securing parental involvement on school advisory councils is challenging. The problem is magnified when SAC meetings are scheduled in the afternoon when working parents cannot attend or when SAC meetings are called on short notice. The lack of parent participation on a SAC results in major decisions being made primarily by school employed individuals.

The bill requires district school boards to review and approve each set of bylaws and to maintain a record of the SAC meeting minutes for each school in the district.

Local school districts may incur minimal costs associated with reviewing and approving the bylaws and for maintaining the minutes; however, the review and approval could be handled at regular meetings and costs would be absorbed in the normal school board meeting public notice and agenda review process.

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"/> |

The bill revises the duties of existing school advisory councils by requiring them to adopt bylaws. Additionally, the bill requires the district school board to review and approve the proposed bylaws.

B. PRESENT SITUATION:

School Advisory Councils

School Advisory Councils (SACs) are a key component of Florida's system of school improvement and accountability. Section 229.58, F.S., requires each school board to establish school advisory councils or district advisory councils if the district has fewer than 10,000 students. Section 229.58(2), F.S., specifies that each SAC shall perform such functions as are prescribed by regulations of the school board; however, no SAC shall have any of the powers and duties now reserved by law to the school board. SACs assist in preparing and evaluating the school improvement plan (SIP), and provide assistance in the preparation of the school's annual budget. SIPs are locally developed "blueprints" for achieving the state education goals and student performance standards.

Pursuant to s. 24.121(5)(c), F.S., a portion of the Educational Enhancement Trust Fund (lottery money) is distributed to each school (through the districts) for the SAC to use for programs and projects to enhance school performance through the implementation of the SIP. The money may not be used for capital improvements or for projects or programs with duration of more than one-year. A principal may not override the selection of the use of the money.

The clearly earmarked amount in the 1997, 1998, 1999, 2000, and 2001 General Appropriations Act for discretionary use by SACs was ten dollars per unweighted FTE student.

Pursuant to s. 24.121(5)(d), F.S., funds from the Educational Enhancement Trust Fund (lottery dollars) may not be released to a district that does not comply with SAC membership composition requirements.

SAC Membership Composition

Section 229.58(1), F.S., specifies that each SAC shall be composed of the school's principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. A majority of the members must not be employees of the school. SAC members must be elected by their respective peer groups at the school, and the school board shall establish procedures to select business and community members. The school board must review the membership of each SAC, and if needed, the board must appoint additional members to

achieve the appropriate representation. Vocational-technical center and high school advisory councils must have student members, while middle and junior high advisory councils are not required to include students. SACs of vocational-technical and adult education centers are not required to include parents as members.

Reviews and Reporting of SAC Membership Composition

The Office of Program Policy Analysis and Government Accountability (OPPAGA) reviews SAC membership composition through the Best Financial Management Practice Reviews. Of the 4 Best Practice Reviews performed by OPPAGA, Manatee and Polk had problems with SAC membership composition in specific schools. OPPAGA reported that Manatee had 4 SACs out of 38 that did not meet the required membership composition, and Polk had 7 SACs out of 108 that did not meet the required membership composition.

The Auditor General also reviews SAC membership composition in their annual audits of school districts. The Auditor General's recent reports are as follows: in FY 1997-98, 12 districts out of 65 audited did not meet the SAC membership requirements; in FY 1998-99, 6 districts out of 51 audited did not meet the SAC membership requirement; and in FY 1999-2000, 3 districts out of 51 audited did not meet the SAC membership requirements.

Before discretionary funds may be released to school districts the Department of Education (DOE) must receive from each district a letter signed by the superintendent of schools certifying that all SACs in the district meet membership composition requirements. Sections 24.121(5)(d) and 229.592(7)(c), F.S., specify that funds from the Educational Enhancement Trust Fund may not be released to a district that does not comply with SAC membership composition requirements. Additionally, s. 229.592(7)(c), F.S., provides that DOE must send a technical assistance team to each school without appropriate SAC membership composition to develop a strategy for corrective action. Notice of DOE intervention must be given to the public, and the school in violation must be identified. According to DOE, to date no funds have been withheld or assistance teams sent due to a SAC not meeting the required membership composition.

Legislative History

Prior to 1991 the language of s. 229.58, F.S., did not require school boards to establish SACs. Additionally, the language only indicated that SAC membership should be "broadly representative of the community served by the school." The 1991 Legislature required schools to establish SACs, and provided districts with fewer than 10,000 students the option of establishing a district advisory council. Along with this change the Legislature replaced the "broadly representative..." language with the present language of, "(members) who are representative of the ethnic, racial, and economic community served by the school..."

Since 1991, the language of s. 229.58, F.S., has been altered eight different times. Most of these changes have dealt with increasing the responsibility of SACs, but several of these changes have dealt with specific issues concerning the membership composition of the SAC. Notable are the 1997 Legislative response to a 1993-1994 performance review by the Office of the Auditor General, and a 1995-1996 report by the OPPAGA. These reviews found persistent problems in SAC membership in the fourteen school districts reviewed. In one-third of the SACs reviewed, 50 percent of the SAC membership was new to the council. Almost half of the SACs reviewed did not include all statutorily required membership groups, such as business/community members and education support employees. Almost one third did not reflect the school community's racial, and ethnic diversity. Finally, school employees dominated sixty-three percent of the SACs, and school board employees dominated 78 percent of the SACs. The 1997 CS/SB 1992 required SACs to draw a majority of its membership from individuals who are not school board employees.

Currently

According to the Department of Education and school district contacts, the 2600+ schools with school advisory councils (SACs) have difficulty meeting the current composition requirements and securing parental involvement at the schools and on the SACs is challenging. This difficulty arises in finding willing participants that represent the lower economic groups served by the school and have the desire and time to serve on the SAC. This problem is magnified in schools with a high number of low income students, in that once the principal and several teachers fill positions on the council the rest of the council must be representative of the lower economic community. This requirement may prevent certain concerned individuals who wish to serve from being allowed on the SAC. Additionally, it can be intrusive and impractical for schools to determine which ethnic, racial, or economic group an individual represents.

Other issues reported regarding school advisory councils include:

- Scheduling meetings in the afternoon when working parents cannot attend. This can pose a barrier to parental involvement and limit the ability of the non-school employed members of the SAC from being heard.
- Meeting and making major decisions when a majority of the membership is not present. Voting when a majority of members are not present coupled with the scheduling issue can result in a majority vote by school employed individuals making the final decisions.
- Calling meetings on short notice without written notification to members. This can result in poor attendance by members.

C. EFFECT OF PROPOSED CHANGES:

HB 1661 requires all school advisory councils in the state to have bylaws that establish the following specific requirements or procedures:

- Votes may only be taken if a quorum is present. A quorum is defined as a majority of the membership of the SAC.
- At least a three-day written, advance notice must be given to all SAC members when a matter is coming before the SAC that requires a vote.
- Meetings are to be scheduled when all members can attend.
- Replacement of members who have two unexcused consecutive absences from a properly noticed meeting.
- Recording of meeting minutes.

The bill requires district school boards to review and approve each set of bylaws. The review and approval of bylaws could be handled at regular board meetings under a timeframe locally designated. Schools will need to ensure that bylaws are developed and forwarded for review. The review by the board can be absorbed in the normal school board meeting public notice and agenda review process. The district school board is also required to maintain a record of the SAC meeting minutes for each school in the district.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 229.58, F.S., requiring school advisory councils to adopt bylaws that are subject to approval by the district school board; requiring that the bylaws include provisions for establishing quorums, requiring meeting notices, scheduling meetings, and replacing members.

Section 2: Provides an effective date of July 1, 2002.

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:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Local school districts may incur minimal costs associated with reviewing and approving the school advisory bylaws and for maintaining the minutes of the SAC meetings. The review and approval could be handled at regular meetings and costs would be absorbed in the normal school board meeting public notice and agenda review process.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The 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:

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

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B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The Florida School Advisory Councils is an independent group of about 100 school advisory council members. There is a working relationship between this group and the Department of Education. Their website (<http://fl-sac.org/>) contains information for SAC members, including links to the DOE's homepage. The members have raised concerns in the past about the issue of requiring uniform practices by SACs across the state. However, according to DOE, the organization "would endorse the concepts presented in this bill."

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON GENERAL EDUCATION:

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