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DATE: December 28, 2001

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

BILL #: HB 391
RELATING TO: Mayra Capote Act
SPONSOR(S): Representative Garcia
TIED BILL(S): None.

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

- (1) GENERAL EDUCATION
- (2) FISCAL POLICY AND RESOURCES
- (3) COUNCIL FOR LIFELONG LEARNING
- (4)
- (5)

I. SUMMARY:

HB 391 gives specific authority to district school boards to prohibit district high school students from leaving the high school campus during school lunch periods. Although district school boards already have the authority to close schools during lunch periods, a school board may not see a need to close school campuses during lunch period if no deaths or injuries have occurred as a result of students driving off campus for lunch.

Current law authorizes district school boards to adopt programs and policies to ensure the *safety* and *welfare* of individuals, the student body, and school personnel. These programs and policies may provide procedures for student dismissal precautions and for granting permission for students to leave school grounds during school hours, including releasing a student from school upon request by a parent or guardian or for public appearances of school groups. Current law specifies that in accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards must operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.

According to the Department of Education, the majority of school districts have closed campuses, but most exceptions to the closed-campus policy apply to public high school seniors. If school districts elect to close campuses that are currently open, the public schools may have to add additional lunch periods and, in some cases, renovate existing cafeterias. In the Miami-Dade School District, the district school board is in the process of closing 35 high school campuses, and the district school board projects \$14 million for renovations, \$1 million for additional equipment, and a recurring cost of \$2.7 million for additional salaries. The district expects the costs for additional salaries to be recovered through increased food service revenue from federal reimbursement and sales. Local merchants near a campus may see a decrease in sales to students.

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 checked="" type="checkbox"/> | N/A <input 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"/> |

This bill does not support the principles of less government and individual freedom because it requires that all high school students eat lunch on campus, rather than allowing those students who wish to go off campus for lunch to do so.

B. PRESENT SITUATION:

History of the Mayra Capote Act

On September 8, 1999, Mayra Capote and four friends from Hialeah-Miami Lakes High School left campus to get a hamburger at MacDonaldis during their 40 minute lunch period. Mayra along with two other passengers in the car were killed in a car crash on their return trip to school.

According to an article in the Miami Herald, the Hialeah-Miami Lakes High School cafeteria only has 400 benches and tables to accommodate the 3,301 students during lunch period. The school currently schedules two lunch periods.

Miami-Dade School District Plans for Closing Campuses

In a memorandum to the Office of School Board Members, dated April 12, 1999, Demetrio Perez, Jr., a Miami-Dade School Board member, made a request to close high school campuses. Mr. Perez stated the following in his memorandum:

The problem of juvenile violence is a serious and growing problem...The parents of this community have entrusted their children to our schools and we, as elected officials, have a duty and responsibility to ensure their safety and security. Recent incident reports show that many of the most regrettable acts of crime and violence occur during the lunch period, while students are outside of their school campuses. To this end, I am requesting that the Superintendent direct staff to make the necessary preparations to close all high school campuses for the 2000-2001 school year.

On April 14, 1999, the Miami-Dade District School Board directed the district school superintendent to close all district senior high school campuses for lunch by the fall of 2001. After considering the budget, school overcrowding, and the renovation of facilities, as well as the need for additional security, custodial personnel, and community involvement, the school board, on June 23, 1999, made the decision to postpone the closing of all public high school campuses during school lunch period. Instead of closing all district senior high school campuses for lunch by the fall of 2001, the school board made the decision to phase in the closed-campus policy by closing the school campuses during lunch period for ninth graders by the opening of the 2000-2001 school year, for ninth and tenth graders by opening of the 2001-2002 school year, and, finally, closing all senior high

school campuses for lunch period by the opening of the 2004-2005 school year (Roger C. Cuevas, Superintendent, memorandum dated October 19, 1999).

On May 17, 2000, the Miami-Dade District School Board authorized the *Closed Campus Implementation Plan* that consists of a four-year phase-in process. In fall 2004, the plan will be complete and will cost the school district approximately \$18 million to complete the phase-in. This figure includes the following costs:

- Construction /Renovation Costs \$14 million
- Food Service Equipment Costs \$ 1 million
- Personnel Costs (recurring) \$ 2.7 million

District School Board Authority

Pursuant to s. 230.23005(1), F.S., the school board may adopt programs and policies to ensure the *safety* and *welfare* of individuals, the student body, and school personnel. Subsection 230.23005(1)(c), F.S., specifies that these programs and policies may provide procedures for student dismissal precautions and for granting permission for students to leave the school grounds during school hours, including releasing a student from school upon request by a parent or guardian or for public appearances of school groups.

Although district school boards already have the authority to close schools during lunch periods, a school board may not see a reason to close school campuses during the lunch period if no deaths or injuries have occurred as a result of students driving off campus for lunch. According to the Department of Education, the majority of school districts have closed campuses and most exceptions to the closed campuses apply to seniors.

According to s. 230.03(1), F.S., the district school system must be considered as a part of the state system of public education. All actions of district school officials must be consistent and in harmony with state laws and with rules and minimum standards of the state board and the commissioner. District school officials, however, must have the authority to provide additional educational opportunities, as desired, which are authorized, but not required by law or by the district and school board.

Section 230.03(2), F.S., specifies in accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards must operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.

C. EFFECT OF PROPOSED CHANGES:

HB 391 gives *specific* authority to district school boards to prohibit district high school students from leaving campus during lunch periods.

If school districts elect to close campuses that are currently open, the public schools may have to add additional lunch periods and, in some cases, renovate existing cafeterias. Local merchants near a campus may see a decrease in sales to students.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Names the act the Mayra Capote Act.

Section 2: Amends s. 230.23005, F.S., authorizing district school boards to prohibit district high school students from leaving the high school campus during lunch periods.

Section 3: Provides an effective date of July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

A closed campus may result in more students purchasing school lunches and ala carte items. If more school lunch items are purchased, income to the district school food service program will increase. The increased revenue would come from federal reimbursement and local sales of food.

2. Expenditures:

See Fiscal Comments

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If a campus is closed, local merchants close to the campus may see a decrease in sales to students during the lunch period.

D. FISCAL COMMENTS:

According to the Department of Education, the majority of school districts have closed campuses, with most exceptions being for seniors. If school districts elect to close a campus that is currently open, the school districts may have to add additional lunch periods and, in some cases, renovate existing cafeterias. In the Miami-Dade school district, the school boards are closing 35 high school campuses, and \$14 million is projected for renovations, \$1 million for additional equipment, and a recurring cost of \$2.7 million for additional salaries. The district expects the costs for salaries to be recovered through increased food service revenue from federal reimbursement and sales. Local merchants near a campus may see a decrease in sales to students.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties and municipalities to spend funds or to take action that requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties and municipalities have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

This bill does not grant additional rule-making authority.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON GENERAL EDUCATION:

Prepared by:

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