

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 0080
 SPONSOR: Senator Geller
 SUBJECT: Noninstructional School Personnel
 DATE: April 11, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Woodruff	O'Farrell	ED	Favorable
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires the Department of Education to limit the number of noninstructional personnel that may be employed by a school district based on the average ratio of noninstructional personnel to full-time equivalent students. Districts are to be classified into one of three size categories. The calculation for the three categories is to be based upon ratios of noninstructional personnel to full-time-equivalent students that existed during the 2001-02 school year. For a district that exceeds the ratio for its size category, the Department will deduct 50 percent of the average salary and benefits for each position in excess of the maximum from the district's state funding allocation.

Noninstructional personnel are defined as administrative personnel or managers under section 1012.01, F.S., and personnel who do not perform any instructional duties.

This bill creates a new section of the Florida Statutes.

II. Present Situation:

Article IX, Section 2 of the Florida Constitution provides that the "state board of education shall...have such supervision of the system of free public education as is provided by law."

Article IX, Section 4 of the Florida Constitution charges the district school board to "operate, control and supervise all public schools of the district."

In general, the Legislature has implemented programs in recent years to give school districts greater local control and flexibility in the operation of the district and its schools. Among these actions has been the creation of charter school districts which enable a school board to operate a

district with freedom from many state requirements. Section 1008.34, F.S., the School Grading Program, gives individual schools designated a performance grade category “A”, or having improved at least two performance grade categories, greater control over the allocation of the school’s total budget. This may include hiring of specific personnel.

Definitions for instructional, administrative, and educational support employees are contained in s. 1012.01, F.S. The definition of administrative personnel or managers does not include a provision that they do not perform any instructional duties.

The number and types of programs offered by a district influence how many administrators a district may have. The student make-up of a district may result in a greater number of exceptional student education centers or federal programs. Some districts offer adult programs and postsecondary workforce programs. Community colleges may have one or both of those responsibilities for other districts. Some districts have a greater demand for transportation services, food service, construction, maintenance, attendance and health programs. Districts which have contracted out any or all of these services may employ fewer noninstructional personnel than similar FTE sized districts. Each school district employs a full time district school health coordinator to administer the school health program and associated student health services. Additionally, certain districts are hosts for consortium activities that serve multiple districts and employ noninstructional personnel as managers so not all districts have to have an individual manager.

Salaries are not uniform across districts by the number of FTE students. Rather, regional cost differences, employment practices, and the structure of support services within a district result in the same titled positions being paid at a different rate. The calculation of the average salary and benefits of a particular district size category may be influenced by an individual district’s employment practices. This may include recent hires that are paid less than longer term employees or a decision to use less skilled personnel and pay the employee less than in a comparable FTE sized district.

An Adult or Workforce student FTE, which is based on a community college model, is not used as the basis for funding either the adult or workforce programs. Because Workforce is considered to be postsecondary education, the Department does not collect FTE data for such programs on the same basis as it does for K-12 students. Comparable student FTE data is therefore not available to use in the ratio calculation, even though the number of noninstructional personnel who supervise the program would be included.

III. Effect of Proposed Changes:

The bill requires the Department of Education to establish limitations on the number of noninstructional personnel that may be employed by a school district based on the total number of full-time equivalent (FTE) students. A definition of noninstructional personnel is included in the bill. It is not clear how adding the restriction that these personnel “do not perform any instructional duties” would change the statutory definition or the historical data collected by the Department.

The Department of Education will be required to establish three district size classifications: small – the 20 districts with the fewest number of FTE students, large – the 10 districts with the greatest number of FTE students, and medium – the remaining 37 districts.

By July 1 of each year, the Department of Education shall establish for each district size classification, a ratio of noninstructional personnel to FTE students which does not exceed the ratio of the 2001-2002 school year. By size classification, the ratio must specify the maximum percentage of noninstructional personnel a district may employ. The Department may provide an adjustment for a district that contains a larger percentage of small schools than equivalent-sized districts.

The Department shall determine the average annual salary, including the cost of benefits, for noninstructional personnel for each of the three classifications. This average amount shall be the basis for any deductions in a district which exceeds its assigned ratio of noninstructional personnel to student FTE.

The Department shall determine if a district exceeds the maximum number of positions allowed for noninstructional personnel. If a district exceeds the maximum number of noninstructional personnel, the Department shall deduct an amount equal to 50 percent of the average cost of each excess position from the state funds allocated to the district. The Department of Education estimates it would deduct \$27.9 million in funding from the affected school districts. No provision is made about what the Department is to do with the funds that are deducted.

The effective date of the bill is upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

This bill assigns authority to the Department of Education rather than to the State Board of Education to determine the number and type of employees in a district; however, the State Constitution authorizes the State Board of Education to supervise the system of free public education “as provided by law.”

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education estimates the potential reduction in funding to school districts at \$27.9 million. Additionally, administrative duties assigned to the Department would require an additional ½ staff FTE which is estimated to cost \$30,075 annually for salary and benefits.

VI. Technical Deficiencies:

Powers and duties assigned to the Department of Education in the bill may be more appropriately assigned to the State Board of Education.

VII. Related Issues:

Not all districts offer adult and workforce programs. It may be appropriate to exclude personnel and students associated with those programs from the calculations required in this bill.

VIII. Amendments:

None.