

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 429 Florida School for the Deaf and the Blind
SPONSOR(S): Proctor and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1014

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Choice & Innovation Committee		Hassell	Kooi
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

The bill aligns the Florida School for the Deaf and the Blind (FSDB) mission statement with No Child Left Behind, the Individuals with Disabilities Education Improvement Act (IDEA 2004), and current State Board of Education (SBE) rules regarding exceptional student education.

The bill authorizes the FSDB to provide outreach education services to hearing-impaired and visually impaired children ages birth through 5 upon request from a school district. This proposed change will serve to increase the district's ability to provide appropriate services to children with sensory impairments. Also, those school districts that may not have been receiving services under the small and rural initiative will be able to request and receive outreach services from the FSDB for children with sensory impairments.

The bill revises the board of trustees' powers and duties relating to the requirements for expenditure of gifts, donations, or bequests. The bill exempts the FSDB's use of these funds from state purchasing requirements, per diem travel and expenses, and compensation of lobbyists. The bill clarifies that the FSDB projections of facility space needs may exceed the norm space and occupant design criteria established in the State Requirement for Educational Facilities (SREF). Additionally, it adds the FSDB to the required need assessment criteria for district, community college, college and state university plant surveys so that the FSDB will be able to include space needs that deviate from approved standards for determining space needs for approved educational programs.

The bill also authorizes campus police officers to enforce traffic laws within the boundaries of the campus and removes the provision that authorizes the bonding of campus police officers.

The bill should have minimal or no fiscal impact. See the FISCAL COMMENTS section of the analysis.

The act shall take effect on July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill increases the availability and types of outreach education services that a school district may offer families with hearing-impaired and visually impaired children.

Empower families – The bill increases a school district's ability to provide appropriate types of outreach education services to families with hearing-impaired and visually impaired children.

B. EFFECT OF PROPOSED CHANGES:

Background

The Florida School for the Deaf and the Blind (FSDB) is a state-supported residential public school for hearing-impaired and visually impaired students in preschool through 12th grade. As a component of the delivery of public education within Florida's K-20 education system, the FSDB provides educational programs and support services appropriate to meet the education and related evaluation and counseling needs of hearing-impaired and visually impaired students who meet enrollment criteria. As a school of excellence, the FSDB's mission states that it "strives to provide students with an opportunity to maximize their individual potential in a caring, safe, unique learning environment to prepare them to be literate, employable, and independent lifelong learners."¹

Current law provides that outreach education services may be provided to children ages birth through 5 with sensory impairments and their parents. However, some school districts also provide such services under Part C of the IDEA 2004. According to the Department of Education, the Outreach Services division at the FSDB currently provides services directly to children and families through the Parent-Infant Program (ages birth – 5) and to some small and rural school districts through the Small and Rural District Initiative (ages 3 – 22).²

Current law provides for the board of trustees' powers and duties relating to the requirements for expenditure of funds, including moneys received as gifts, donations, or bequests. Currently, the FSDB board of trustees may not compensate those persons who lobby before the House of Representative or the Senate with moneys received as gifts, donations, or bequests. Also, the board of trustees must require all purchases, including those purchases made with moneys received as gifts, donations, or bequests, to be made in accordance with state purchasing requirements and state per diem travel and expenses requirements.³

Effects of Proposed Changes

The bill removes the phrase "maximize their individual potential" in the FSDB mission statement and replaces it with "maximize individual potential." This change aligns the FSDB mission statement with No Child Left Behind, the Individuals with Disabilities Education Improvement Act (IDEA 2004), and current State Board of Education (SBE) rules. Thus, this change makes the law consistent with Federal and state regulations regarding exceptional student education.

The bill authorizes the FSDB to provide outreach education services to hearing-impaired and visually impaired children ages birth through 5 upon request from a school district. This proposed change will

¹ s. 1002.36(2), F.S.

² Florida Department of Education, Governmental Relations Office, 2006 Legislative Bill Analysis on HB 429: The Florida School for the Deaf and the Blind

³ Chapter 287--Commodities, Insurance, and Contractual Services and s. 112.061, F.S.

serve to increase the district's ability to provide appropriate education services to children with sensory impairments. Also, those school districts that may not have been receiving services under the small and rural initiative will be able to request and receive outreach services from the FSDB for children with sensory impairments.

The bill clarifies that the FSDB projections of facility space needs may exceed the norm space and occupant design criteria established in the State Requirement for Educational Facilities (SREF). Also, the bill adds the FSDB to the required need assessment criteria for district, community college, college and state university plant surveys so that the school will be able to include space needs that deviate from approved standards for determining space needs for approved educational programs. These are technical changes because the school's current spaces exceed the norm due to the nature and type of school and the school was previously exempted from the physical space requirements within the Florida Administrative Code.

The bill revises the board of trustees' powers and duties relating to the requirements for expenditure of gifts, donations, or bequests. The bill removes the provision relating to the compensation of those persons that lobby before the House of Representatives and the Senate and revises the provisions relating to state purchasing requirements and per diem travel and expenses. These funds, known as Endowment funds, are moneys received as gifts, donations, or bequests, funds raised by or belonging to student clubs or student organizations, or funds held for specific students or in accounts for individual students and are tax exempt. The FSDB would be able to use the Endowment funds for legislative liaison activities, to support programs not supported by state funding, and for program purchases and travel related expenses not covered by state funding.

The bill authorizes campus police officers to enforce traffic laws within the boundaries of the campus, a specific authority that is granted to university, community college, and school district campus police under s.316.640, F.S. It also removes the provision that authorizes the bonding of campus police officers because this requirement has been replaced by accidental death and insurance coverage.

C. SECTION DIRECTORY:

Section 1. Amends s. 1002.36, F.S., relating to the Florida School for the Deaf and the Blind; amending provision related to education services; revising powers and duties of the Board of Trustees; and revising provision related to campus police officers.

Section 2. Amends s. 1013.31, F.S., relating to educational plant surveys.

Section 3. Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill exempts the FSDB's use of Endowment funds from state purchasing requirements, per diem travel and expenses, and compensation of lobbyists, thereby increasing the flexibility in which the FSDB may utilize of such funds.

D. FISCAL COMMENTS:

School districts are responsible for providing educational services or access to such services for hearing-impaired and visually impaired children ages birth through 5. Thus, a request by a school district to for FSDB to provide outreach educational services for sensory impaired students should have minimal or no fiscal effect.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not grant additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES