

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 657 Powers and Duties of District School Boards

**SPONSOR(S):** K-12 Subcommittee, Metz

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 806

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N, As CS	Beagle	Ahearn
2) Education Committee		Beagle	Mizereck

### SUMMARY ANALYSIS

Under Florida law, district school boards are required to provide for the operation of all district schools for a term of 180 days, or the equivalent on an hourly basis as specified by rules of the State Board of Education. School boards must adopt policies establishing the opening and closing date for the school year. Legislation enacted in 2006 provided that, "beginning with the 2007-2008 school year, the opening date for schools in the district may not be earlier than 14 days before Labor Day each year."

Currently, policy issues addressed by a district school board must first be recommended to the board by the district school superintendent. Individual board members do not have authority to make such recommendations.

In addition, district school boards may employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor reports directly to the district school board or its designee.

The bill authorizes a district school board to start the school year up to five school days earlier than 14 days before Labor Day if students will complete all first semester classwork and assessments before Christmas Day.

The bill authorizes individual school board members to make recommendations regarding policy issues for consideration by the board. School boards must consider such recommendations, if provided. This will enable school boards to consider policy issues without a specific recommendation by the district school superintendent.

The bill adds authorization for internal auditors to provide audits and reviews as the school board directs for the purpose of overseeing school district resources and determining compliance with applicable laws and district school board-approved policies, procedures, and contracts. This change clarifies that internal auditors are authorized to perform these duties.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2013.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### School Start Date

Under Florida law, district school boards are required to provide for the operation of all district schools for a term of 180 days, or the equivalent on an hourly basis as specified by rules of the State Board of Education. School boards must adopt policies establishing the opening and closing date for the school year.<sup>1</sup> In most school districts, the school board bargains collectively with the certified bargaining agent (i.e., union) that represents the district's instructional personnel to set the school district calendar, including the work year, workday hours, and school holidays observed by the school district.<sup>2</sup>

Legislation enacted in 2006 provided that, "beginning with the 2007-2008 school year, the opening date for schools in the district may not be earlier than 14 days before Labor Day each year."<sup>3</sup> The school start date issue was arguably the most controversial education issue of the 2006 session; pitting tourism industry labor needs and parent groups desiring a longer summer against advocates of local control of public schools.<sup>4</sup>

**History of Earliest and Latest School Start Dates: 2002-03 through 2012-13<sup>5</sup>**

Year	Earliest Start Date	Districts	Latest Start Date	Districts
2002-03	August 2	1	August 26	2
2003-04	August 1	1	August 25	2
2004-05	August 2	4	August 17	1
2005-06	August 1	4	August 16	1
2006-07	July 31	1	August 21	2
2007-08	August 20	62	August 24	1
2008-09	August 18	60	August 22	1
2009-10	August 10	2	August 27	1
2010-11	August 5	1	August 26	1
2011-12	August 8	4	August 25	1
2012-13	August 7	1	August 29	1

School districts designated by the state board as Academically High-Performing School Districts (AHPSD) have the authority to waive the school start date requirement.<sup>1</sup> In the 2012-13 school year, 19 districts – Brevard, Calhoun, Charlotte, Citrus, Clay, Flagler, Gilchrist, Gulf, Lee, Leon, Martin, Nassau, Palm Beach, St. Johns, Sarasota, Seminole, Sumter, Wakulla, and Walton – were eligible to waive the requirement because of their status as an AHPSD. Fourteen of these districts started the school year between August 7<sup>th</sup> and August 16<sup>th</sup>.<sup>6</sup>

<sup>1</sup> Section 1001.42(4)(f) and (12)(a), F.S.

<sup>2</sup> See, e.g., Hillsborough County School District and Hillsborough Classroom Teachers Association, Inc., *Teacher Contract 2010-2013*, (2010), available at [http://www.sdhc.k12.fl.us/HumanResources/PDFs/CONTRACT/bargaining\\_agreement.pdf](http://www.sdhc.k12.fl.us/HumanResources/PDFs/CONTRACT/bargaining_agreement.pdf) (see table of contents); see, e.g., Brevard County School District and Brevard Federation of Teachers, *Collective Bargaining Agreement*, (Feb. 10, 2009), available at <http://benefits.brevard.k12.fl.us/images/gt/LR/old%20stuff/old%20stuff/BFT-FY09&FY10.pdf> (see table of contents). Sections 447.203(2) and 447.309(1), F.S. The State Constitution provides that "the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged." Section 6, Art. I of the State Constitution. The only school district whose instructional personnel are not represented by a union is Calhoun County. Section 447.305, F.S., requires that every employee organization seeking to become a certified bargaining agent for public employees register with the Public Employees Relations Commission (PERC). No such registration exists for Calhoun County. See Public Employees Relations Commission, Search Registration Orders, <http://perc.myflorida.com/co/regfilter.aspx> (last visited May 31, 2012).

<sup>3</sup> Section 11, ch. 2006-74, L.O.F.

<sup>4</sup> *Standardizing School Start Date*; Hearing before the House PreK-12 Committee, Nov. 8, 2005; Save Our Summers – Florida, <http://www.saveoursummers.org/faqs.html> (last visited March 14, 2013).

<sup>5</sup> Florida Department of Education, *2012-13 School Start and End Dates*, at 1 (May 2012), available at <http://www.fldoe.org/eias/eiaspubs/word/startend1213.doc>.

<sup>6</sup> *Id.*; see s. 1003.621, F.S.

## **Powers and Duties of District School Boards**

Currently, district school boards are responsible for adopting policies necessary for the operation and improvement of the district school system. However, policy issues considered by a district school board must first be recommended to the board by the district school superintendent. Individual board members do not have authority to make such recommendations.<sup>7</sup>

District school boards may employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor reports directly to the district school board or its designee.<sup>8</sup>

### **Effect of Proposed Changes**

The bill authorizes a district school board to start the school year up to five school days earlier than 14 days before Labor Day if students will complete all first semester classwork and assessments before Christmas Day.

The bill authorizes individual school board members to make recommendations regarding policy issues for consideration by the board. School boards must consider such recommendations, if provided. This will enable school boards to consider policy issues without a specific recommendation by the district school superintendent.

The bill adds authorization for internal auditors to provide audits and reviews as the school board directs for the purpose of overseeing school district resources and determining compliance with applicable laws and district school board-approved policies, procedures, and contracts. This change clarifies that internal auditors are authorized to perform these duties.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1001.41, F.S., relating to General powers of district school boards; authorizes individual school board members to make recommendations regarding policy issues for consideration by the board.

**Section 2.** Amends s. 1001.42, F.S., relating to Powers and duties of district school boards; provides an exception to school start date requirements; authorizes additional duties for school board internal auditors.

**Section 3.** Provides an effective date of July 1, 2013.

## **II. 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:

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<sup>7</sup> Section 1001.41, F.S.; Op. Att’y Gen. Fla. 96-13 (1996); Op. Att’y Gen. Fla. 2002-08 (2002).

<sup>8</sup> Section 1001.42(12)(l), F.S.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Public school students residing in school districts that establish an earlier school start date pursuant to the bill may have a shorter time period to work summer jobs. This could decrease their earnings during the summer months.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2013, the K-12 Subcommittee adopted two amendments and reported HB 657 favorably as a committee substitute (CS). The CS:

- Limits the earlier school start date authorized by HB 657 to five school days. HB 657 placed no limitation on the number of days in which an earlier school start date may be established.
- Adds provisions authorizing individual school board members to make recommendations regarding policy issues for consideration by the board.