

FSBA

BOARDER-LINE

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House and Senate Budget Proposals

A robust economy – fueled in part by soaring property values and by a increased sales tax revenue resulting from hurricane recovery purchases – has pumped approximately \$5.5 billion in unexpected revenue into the state coffers. This has allowed both chambers to craft fairly generous state budgets, provide for several tax relief measures, and direct substantial funds into state reserves.

The K-12 education budgets released by the House and Senate Education Appropriations Committees both provide different levels of increased funding, and also reflect differences in several key policy areas. The Senate education budget provides an overall increase of nearly \$1.78 billion, while the House education budget provides an increase of more than \$1.36 billion. The difference between the increases provided by each budget is largely due to the Senate’s decision to maintain the current year required local effort millage of 5.239 mills, while the House has reduced the required local effort millage rate to 4.867 mills. In addition, the Senate has chosen to increase the yield of .51 discretionary millage to \$300 per FTE while the House has increased the yield to \$250 per FTE. These decisions allow the Senate to provide a base student allocation of \$4,005.32 compared to the House BSA of \$3,858.67. While the Senate budget provides more overall funding and flexibility to school districts, the House budget provides enhanced funding for existing programs – including the ESE Guaranteed Allocation and Supplemental Academic Instruction – and provides new or greater funding for several new initiatives – including Technology Tools for Teachers, Class Size Capacity Assistance Grant capital program, Performance and Differentiated Pay, and Teacher Recruitment and Retention.

We have prepared a **chart** comparing the key provisions of the Senate and House K-12 budgets. The differences between the budgets will be resolved during the coming weeks, beginning next week when the budgets will be debated and amended by each full chamber. Any differences that remain will then be resolved by a Conference Committee comprised of members from both chambers. We will continue to update our budget comparison as any changes are made.

Federal Budget

While the Florida Legislature has been working on the state budget, Congress has also been at work on the federal budget for the 2007 fiscal year. President Bush released his budget request to Congress in February. His budget would cut \$4.2 billion from current FY

2006 program levels, and would be \$7 billion below the funding level in the FY 2005 spending bill. In particular, the President's budget request proposed \$12.7 billion for Title I grants which is the same amount as FY 2006. This amount is well below the \$25 billion promised for FY 2007. The President proposed a \$100 million increase, from \$10.6 billion in FY 2006 to \$10.7 billion for FY 2007, in special education grants. The \$10.7 billion proposed is \$6.2 billion short of the funding promised under the Individuals With Disabilities Improvement Act of 2004, and more than \$14 billion short of full funding pledged under the original Individuals With Disabilities Education Act, in which Congress promised to pay 40 percent of the cost per student in special education. In addition to underfunding Title I and IDEA, the FY 2007 budget request would eliminate 42 programs within the Department of Education, including Education Technology Grants (\$272.2 million), Vocational Education State Grants (\$1.3 billion), Safe and Drug-Free Schools State Grants (\$346.5 million), Smaller Learning Communities grants (\$93.5 million), School Dropout Prevention (\$4.8 million), Comprehensive School Reform (\$7.9 million), and Elementary School Counseling (\$34.6 million).

The US House and Senate are in the process of crafting budget resolutions that mirror the President's budget request. However, in mid-March the Senate passed a bi-partisan amendment to their FY 2007 budget resolution, co-sponsored by Senators Arlen Specter (R-PA) and Tom Harkin (D-IA), that added \$7 billion in funding to education. In effect, this amendment restored funding to FY 2005 levels. The full Senate then passed its budget resolution. This week, the House Budget Committee considered a similar amendment proposed by Representative Rosa DeLauro (D-CT). Unfortunately, the amendment failed along party lines by a vote of 22-14. Among the House Budget Committee members voting AGAINST the DeLauro amendment were Florida Congressmen Ander Crenshaw, Adam Putnam, Mario Diaz-Balart, and Connie Mack. The full House is expected to begin debate on its budget resolution next week. We will keep you informed of action on the federal budget, but in the meantime ***please contact your Congressional House members and urge them to support an amendment to their budget resolution that would restore education funding to FY 2005 levels.***

Proposed Constitutional Amendments

This week, the Legislature considered several joint resolutions to amend the Florida Constitution that have direct impact on school districts. A joint resolution is the only authorized method by which the legislature may propose amendments to the Florida Constitution. If passed by a three-fifths vote of each chamber, the proposed amendment would appear on a statewide ballot for voter approval or rejection. Please note that a joint resolution is not subject to action by the Governor and is not subject to the constitutional one-subject limitation.

SJR 1150 – Class Size/Classroom Instruction by Pruitt (Similar to HB 447 by Pickens)

If approved by voters, this proposed amendment addresses two distinct issues: class size requirements and minimum classroom expenditures. With respect to class size, the joint resolution revises requirements for calculating class size to be based on district averages. The resolution requires that, by the beginning of the 2009-2010 school year:

- the school district average maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students and the number of students who are assigned to one teacher in an individual class does not exceed 23 students;
- the school district average maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students and the number of students who are assigned to one teacher in an individual class does not exceed 27 students;
- the school district average maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students and the number of students who are assigned to one teacher in an individual class does not exceed 30 students.

In addition to adjusting class size calculations to be based on district averages, this revision clarifies that class size compliance is calculated according to a student to teacher ratio rather than a classroom to student ratio, thus eliminating confusion about the use of co-teaching as a tool to meet class size requirements. Thus, this portion of the proposed constitutional amendment is closely aligned with two of the priority issues in our 2006 FSBA Legislative Platform relating to class size and co-teaching. *(For more information on co-teaching, please see our Issue Brief on this subject.)*

With respect to minimum classroom expenditures, the joint resolution requires that, by the beginning of the 2009-2010 school year and for each subsequent school year, at least sixty-five percent of total funds, as defined by law, received by school districts for operational expenditures shall be expended for purposes directly related to classroom instruction, as defined by law. This portion of the proposed constitutional amendment is patterned after a nationwide movement to incorporate this “65 Percent Solution” language into every state’s laws. This proposal raises concerns that center on how the terms “total funds” and “classroom instruction” will be defined in law. If national definitions for these terms (as set forth by the U.S. Department of Education’s National Center for Education Statistics), it would be very difficult for most school districts to comply with this expenditure requirement without sacrificing vital student programs and personnel such as guidance counselors, nurses, media specialists, reading specialists, and technology specialists. Fortunately, Senator Pruitt, Representative Pickens, and other legislative leaders have offered assurances that the Legislature will adopt acceptable definitions of these key terms that will recognize and incorporate legislative policies relating to appropriate and necessary classroom expenditures in Florida. *(For more information on this, please see our Issue Brief on the 65 Percent Solution.)*

The proposed constitutional amendment also provides the governor with the authority to grant, partially grant, or deny a school district’s request for a temporary waiver of the class size or the classroom instruction expenditure requirements.

This resolution passed the Senate Education Committee this week after an extended debate. *(A committee substitute for HJR 447 is awaiting scheduling for hearing before the House Education Council.)*

SJR 2170 – Opportunity Scholarships by Judiciary (Similar to HJR 1573 by Rubio)

If approved by voters, this proposed amendment addresses two distinct issues: minimum expenditure requirements and voucher programs. With respect to minimum expenditure requirements, the proposed amendment provides that to make adequate provision for high quality public K-12 education, at least sixty-five percent of school funding received by school districts shall be spent on classroom instruction rather than administration. This language is similar to the “65-Percent Solution” provisions discussed above.

With respect to voucher programs, the amendment provides that students in pre-kindergarten through college who have disabilities, are economically disadvantaged, or whose parents request alternatives to traditional public education programs, may participate in education programs that include non-public schools. The joint resolution further provides that the legislature may enact and publicly fund pre-kindergarten through college education programs, without regard to the religious nature of any participant or non-public provider. In effect, this portion of the proposed amendment seeks to make any student in pre-kindergarten through college eligible for a publicly funded voucher. It appears that this portion of the amendment was crafted in response to the Florida Supreme Court ruling finding the Opportunity Scholarship Program unconstitutional. It is interesting to note that, while the proposed amendment seems to speak to issues relating to the separation of church and state, the Supreme Court ruling focused on the diversion of “public dollars into separate private systems ... [that] not only reduce money available to the free schools, but also funds private schools that are not “uniform” when compared with each other or the public system.” *(For more information on the Supreme Court ruling, please see our Voucher Litigation Timeline and Summary.)*

The joint resolution narrowly passed the Senate Judiciary Committee this week as a committee substitute. It is scheduled to be heard next week by the Senate Education Committee. *(A committee substitute for HJR 1573 is scheduled to be heard next week by the Choice and Innovation Committee)*

SJR 534 – Pledge of Allegiance by Fasano (Similar to HJR 307 by Legg)

If approved by voters, this joint resolution would require each district school board to adopt rules to require the reciting of the pledge of allegiance at the beginning of the day in each public school in the state. Students must stand with the right hand over the heart to render the pledge of allegiance, civilians must stand at attention, and men must remove the headdress, except when the headdress is worn for religious purposes. Each student must be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge and, upon written request by his or her parent or guardian, the student must be excused from reciting the pledge.

In effect, the Joint Resolution would essentially codify in the State Constitution the current statutory requirements relating to the Pledge of Allegiance that are contained in ss. 1003.44 and 1002.20, F.S. except it would require, rather than authorize, school districts to adopt rules to require the daily recitation of the pledge each morning at every public school. The bill passed the Senate Judiciary Committee meeting as a committee substitute. *(HJR 307 has not yet been considered in any of its committees of reference.)*

Action on Key Bills March 27 - 31, 2006

SB 132 – Affordable Housing by Bennett

Requires local governments to identify surplus lands and, where appropriate, make such lands available for purposes of affordable housing; authorizes local governments and special districts to provide housing assistance to employed personnel; creates the Community Workforce Innovation Program to provide housing assistance for essential services personnel (teachers, law enforcement officers, firefighters, nurses, etc.) in high cost counties, whose incomes do not exceed 140 percent of the area median income; eliminates the \$243 million cap on the distribution of documentary stamp tax revenues to the State Housing Trust Fund and the Local Government Housing Trust Fund; authorizes school boards to provide affordable housing for teachers and other instructional personnel.

ACTION: Passed the Senate Community Affairs Committee as a committee substitute

HB 133 – Student Voter Education by Anderson

Permits district school boards and county supervisors of elections to cooperate in conducting voter education for high school students in grade 12; provides that voter education is voluntary; authorizes supervisors of elections to conduct the program for public schools and if requested, for private schools.

ACTION: Passed the House Ethics and Elections Committee as a committee substitute

HB 389 – Public School Employment/Retiree/FRS by Proctor

Allows a FRS retiree to be reemployed by a district school board or the Florida School for the Deaf and the Blind on an annual contractual basis as administrative personnel during the second through twelfth month of retirement without having to suspend his or her retirement benefits.

ACTION: Passed the House PreK-12 Committee as a committee substitute

HB 403 – School Attendance by McInvale

Clarifies existing law by stating that students aged 16 or older remain subject to compulsory school attendance until a formal declaration of intent to terminate school enrollment is filed; requires school districts to conduct an exit interview with each student who declares their intent to terminate school enrollment; authorizes district school boards to adopt attendance policies that allow accumulated unexcused tardies to be recorded as unexcused absences; authorizes district school boards to require referral to a school child study team (CST) when a student has fewer absences than currently required by law; revises the current list of interventions that may be implemented by CSTs; provides that district school superintendents are responsible for supporting law enforcement efforts to enforce school attendance.

ACTION: Passed House PreK-12 Committee as a committee substitute

SB 534 – Pledge of Allegiance/Public Schools by Fasano

Constitutional Amendment; proposes the amendment of Article IX, Section 1; requires district school boards to adopt rules to mandate the daily recital of the Pledge of Allegiance in all pre-kindergarten through grade 12 public schools; requires students to stand with their right hands over their hearts during recital; prohibits men from wearing headdresses during recital, except for religious reasons; requires notice to be posted in a conspicuous place that states that students have the right to refuse to participate in the Pledge, and a student must be excused, upon written parental request.

ACTION: Passed Senate Judiciary Committee as a committee substitute

HB 535 – School Safety/Bullying & Harassment by Bogdanoff

Prohibits bullying and harassment of students during education programs and activities, on school buses, or through use of data or computer software; requires school districts to adopt policies and provides minimum requirements for district policies; requires DOE approval of school district's policy and compliance with reporting procedures as prerequisites to receipt of safe school funds.

ACTION: Passed the House Juvenile Justice Committee

HB 679 – Schools/Health Related Education by Sobel

Requires each school district to submit a copy of the wellness policy required by federal law and its physical education policy to DOE; requires DOE to post online links to each district's policy and health and nutrition resources on its website; encourages school districts to provide training on first aid and CPR, and to provide 150 minutes of physical education a week for students in K-5 and 225 minutes each week for students in grades 6-8; requires a certified physical education instructor to review all physical education programs and curricula; requires that districts annually provide parents with information on ways to help their children be physically active and eat healthy foods.

ACTION: Passed House PreK - 12 Committee as a committee substitute

HB 745 – Schools/Education Accountability by Simmons

Requires certain schools with school grade of "F" to implement policy for single-gender classes; provides requirements for uniform policies, including procedures for enrolling student in coeducational classes and periodic review of policy implementation; requires such schools to implement school uniform policy; requires maintenance of policies until certain conditions are met.

ACTION: Passed House PreK - 12 Committee

HB 967 – Public K-12 Educational Instruction by Glorioso

Specifies in greater detail additional requirements for the instruction in certain U.S. history topics and specifies how often they must be taught; adds a requirement for instruction in the importance of free enterprise and amends requirements related to required instruction in comprehensive health education and character-development programs; provides requirements for instructional materials, and requires SBE adopted standards conform.

ACTION: Passed House PreK - 12 Committee as a committee substitute

HB 999 – Signs of Suicide Prevention Program by Adams

Establishes a pilot program for suicide prevention and depression screening to be conducted by the Signs of Suicide Prevention (SOS) Program for secondary schools in Brevard, Orange, Osceola, and Seminole Counties; provides that pilot programs must submit proposals to DOE; requires that parents are provided with information and the parent may refuse to allow his or her child to participate; requires district school board to provide a report to legislative leadership; provides appropriation.

ACTION: Passed the Future of Florida's Families Committee

HB 1003 – High School Athletics/Steroid Tests by Llorente

Establishes a three-year random anabolic steroids testing program for student athletes in grades 9 through 12 to be administered by the Florida High School Athletic Association (FHSAA); requires that public and private schools must participate in the program as a prerequisite to FHSAA membership; provides program requirements, penalties, and challenge and appeal procedures; requires FHSAA to submit an annual report of program results to the Legislature; provides an appropriation of \$3 million dollars for program implementation.

ACTION: Passed House PreK - 12 Committee

HB 1059 – Collective Bargaining/Agent's Dues by Rivera

Eliminates right of certain bargaining agents to have certain dues and assessments deducted and collected by employer from certain employees; provides that deduction and collection of certain dues and assessments is proper subject of collective bargaining; provides for enforcement.

ACTION: Passed House State Administration Council

SB 1146 – Maximum Class Size/Teachers – Co-teaching by King

Amends provisions relating to the implementation of the class size requirements; provides that for fiscal years 2006-2007 through 2009-2010 and thereafter, each teacher assigned to any classroom must be included in the calculation for compliance; authorizes school districts to use teaching strategies that include the assignment of more than one teacher to a classroom of students if the strategies were implemented prior to July 1, 2005; provides for retroactive application; prohibits imposition of financial or other penalties on a school district that uses any legal strategy.

ACTION: Passed the Senate Judiciary Committee as a committee substitute

SB 1150 – Class Size/Classroom Instruction by Pruitt

Constitutional amendment; revises class size requirements to provide that they shall be based on school district average number of students who are assigned to each teacher in specified grades; provides cap on number of students assigned to each teacher in a classroom; revises the date required for full compliance with class size reduction requirement; requires school districts to expend at least 65 percent of the total operating funds for purposes directly related to classroom instruction; authorizes school district to request from Governor temporary waiver of class size requirements or 65-percent classroom instruction expenditure requirement.

ACTION: Passed the Senate Education Committee

HB 1213 – Schools/Parents/Student Evaluation by Barreiro

Requires fully informed consent by parent prior to his or her child's evaluation for emotional, behavioral, or mental disorder, specific learning disability, or other health impairment; specifies contents of statement that must be signed by parent and maintained in student's school records; includes in statement understanding that evaluation may result in diagnosis for which psychotropic or psychiatric medications may be prescribed.

ACTION: **FAILED** in House Health Care Regulation Committee

HB 1243 – Education Personnel by Mahon

Authorizes regional professional development academy to receive funds from certain sources for purpose of developing programs and services; provides that said academy is not component of any school district or governmental unit to which it provides services.

ACTION: Passed House PreK - 12 Committee as a committee substitute

HB 1427 – Education by Bendross-Mindingall

Amends provisions relating to public school choice programs by adding academy programs to public school choice options; requires districts to offer controlled open enrollment within the public schools; requires school districts to provide transportation outside of their school zone; requires the Commissioner of Education to adopt performance standards, set goals, and provide resources so that Florida ranks in the top half of the state-by-state comparisons compiled by the United States Department of Education; requires development and implementation of FCAT pretest; revises provisions relating to the school and school district performance grading system; renames School Recognition Program as Every Child Matters Program; revises intent, purpose, participation, and use of funds; removes the Opportunity Scholarship Program's public school choice option for a student attending failing schools.

ACTION: **FAILED** in House PreK - 12 Committee

HB 1619 – Schools/Activities/Student Transport by Murzin

Allows students to wear sun-protective clothing while outside during school hours; establishes criteria that district school boards must follow in selecting vendors to market class rings; specifies that school districts that choose to contract with a class ring vendor to contract with at least two vendors; requires school districts that contract with a photographer for the purpose of taking student yearbook photos to contract with at least two photographers; specifies that a student's senior photo must be allowed to appear in the school yearbook so long as the photo meets certain requirements; specifies that school or school district-owned passenger vehicles or light trucks may be used to transport students to and from school sites or agricultural education related events or competitions.

ACTION: Passed House PreK - 12 Committee as a committee substitute

SB 1876 – Signs of Suicide Prevention Program by Webster

Establishes a pilot program for suicide prevention and depression screening to be conducted by the Signs of Suicide Prevention (SOS) Program for secondary schools in Brevard, Orange, Osceola, and Seminole Counties; provides that pilot programs must submit proposals to DOE; requires that parents are provided with information and the parent may refuse to allow his or her child to participate; requires district school board to provide a report to legislative leadership; provides appropriation.

ACTION: Passed the Senate Education Committee as a committee substitute

SB 2280 – High Risk Offender/Screening/Schools by Argenziano

Amends the Jessica Lunsford Act provisions relating screening of sexual predators and offenders; requires distinctive markings for driver's licenses and ID cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; provides a list of offenses that disqualifies a contractor from having access to school grounds when students are present; exempts from Level 2 background checks those contractors who are under the direct supervision of persons who meet screening requirement; subjects exempt contractors to a search of the state and national registry of sexual predators and sexual offenders; provides immunity from civil and criminal liability for those persons who share Level 2 background check information in good faith; clarifies that contractors who contract directly with schools (such as athletic officials) are required to undergo Level 2 background checks; specifies that Level 2 background checks need to be performed every 3 years; caps fees of Level 2 background checks at no more than 30% of total state and FBI costs; requires cost to be borne by school board, contractor, school, or individual; requires districts to accept Level 2 background checks results from other districts; and requires FDLE to implement a system for school districts to share the results of Level 2 background checks; provides rulemaking authority.

ACTION: Passed the Senate Education Committee as a committee substitute

SB 2326 – SUCCEED, FLORIDA! Initiative by Baker

Creates the Succeed, Florida! Initiative Act to establish multiple workforce education grant programs to facilitate efforts to meet existing and future needs of the state's workforce; requires DOE to identify appropriate workforce education courses and programs at the K-12 and community college levels and to propose a statewide articulation agreement; establishes the GED Success Scholarship program to encourage students to train for occupations at accredited public or private technical center or community college program; establishes the School District Career Center Facility Enhancement Challenge Grant Program to match private contributions to construct or improve career center facilities; establishes the SUCCEED, FLORIDA! Career Paths Program to provide startup funds to offset implementation costs for school districts or the Florida Virtual School (FLVS) to operate career and professional academies.

ACTION: Passed the Senate Education Committee as a committee substitute

SB 2380 – School District Funding by Carlton

Revises the maximum fixed cost per student station to reflect increased costs in construction, due partly to implementation of the class size constitutional amendment; delays implementation of the school level average class size calculations for compliance for one year.

ACTION: Passed the Senate Education Committee

SB 2480 – Growth Management/Education by Dockery

Revises sum appropriated for Classrooms for Kids Program; revises eligibility criteria for High Growth District Capital Outlay Assistance Grant Program; revises provisions for allocation of funds provided by General Appropriations Act to PECO Trust Fund.

ACTION: Passed the Senate Education Committee as a committee substitute

Other Bills of Interest

FSBA is currently tracking nearly 500 education related bills that have been filed for consideration during this session. We have posted a list of selected bills that may be of particular interest to school boards. Please contact the FSBA office for more information on these, and any other, bills. In addition, the Senate and House web sites may be accessed at www.leg.state.fl.us for more information on bills, legislators, legislative meeting schedules, and other legislative information.

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