

FSBA

BOARDER-LINE

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As the start of the 2008 Legislative Session approaches, this issue of Boarder-Line is intended to bring you up to date on a variety of recent events and to give you a preview of what to expect during the Session. The legislature has just completed a series of Interim Committee Meetings that began last fall. These interim meetings lay the groundwork for many of the issues that the Legislature finds of interest and, therefore, are likely to take center stage during the Session. In addition, Governor Crist and the DOE have announced their legislative priorities for the coming session. There are many issues of interest that will be discussed during the coming session, but Florida's declining economy and its effects on state revenues and the budget will remain in the forefront and will overshadow and impact all of these discussions.

State Economy & Budget

Florida's economy is in the midst of a serious downturn. Revenue collections from sales and property taxes continue to come in below what had been forecast and this trend is expected to continue, at least, into 2009. The reasons for this downturn in revenue collections include a slowdown in the housing market, rising unemployment, high energy prices, instability in the credit market, and the increasing likelihood of a national recession. Florida has been particularly hard hit by these events. As a result, reductions in the current year budget will be echoed and magnified in next year's budget.

Of immediate concern, school districts will be hit with another round of mid-year cuts to the 2007-08 budget during the first days of the Legislative Session that begins March 4. Legislators will cut another \$1 billion from this year's state budget with about \$265 million being cut from K-12 appropriations. The bulk of this cut to public schools – \$224 million – will come from reductions in FEFP and categorical appropriations. The balance will be drawn from non-FEFP allocations such as the Excellent Teaching Program, Education Innovation, Mentoring, Education Partnerships, and School and Instructional Enhancements. This represents an overall reduction of 1.18% from the first round of budget cuts last October yet still provides a slight increase over 2006-2007 funding levels. Although there are some minor differences between the House and Senate on precisely how these cuts will be made, the chambers are expected to resolve these differences and release the revised 2007-2008 budget by the second week of the session. (Click [HERE](#) to link to the Senate's budget reduction package for more information about these proposed cuts. Page 18 of this document provides information on these cuts on a county-by-county basis.)

The prospects for the 2008-2009 education budget are even more grim. The state's base budget will be reduced, at least, by the \$2 billion that has been cut this year and further reductions are expected. While the depth of the future cuts will be better known in mid-March, when the state receives an estimate of its revenues, it is likely that public schools could see a shortfall close to \$800 million. FSBA has been working closely with the House and Senate Appropriations leadership and staff to offer advice on where funding reductions might occur with the least possible disruption to student programs and services. We will keep you apprised of developments as they occur.

Education Issues on the Legislative Agenda

Although budget concerns will be in the forefront, a variety of other education issues are likely to be highlighted during the upcoming legislative session. The issues discussed at Legislative Interim Committee meetings and the focus of various Legislative Interim Project Reports indicate that charter schools, teacher professional development and accountability, and career education will be prominent issues. (Click [HERE](#) to link to all Senate Interim Project Reports; click [HERE](#) to link to all House Interim Project Reports). In addition, Governor Crist has announced that his legislative priorities for education include requirements to ensure that a minimum of 65 percent of operating funds to be spent on direct classroom expenditures, amendment to the Merit Award Program, and expansion of physical education requirements. (Click [HERE](#) to link to a press release with more details of the Governor's legislative priorities.) The Department of Education has also identified legislative priorities that include Ethics in Education, World Class Standards, Articulation and Accreditation, and Exceptional Student Education. (Click [HERE](#) to link to more details of the DOE Legislative Priorities). It is also expected that the Legislature will pursue additional property tax reform measures that may significantly impact school districts. Use of lottery \$ and gambling

In addition to these topics, FSBA has been working with key legislators, education groups, and other policy leaders to pursue our own legislative priorities and positions, including statutory and constitutional amendments to provide additional flexibility in complying with class size reduction requirements, efforts to broaden the factors that go into school grading, and refinements to school concurrency requirements.

Taxation and Budget Reform Commission

The Taxation and Budget Reform Commission (TBRC) is established every 20 years and is comprised of 11 members appointed by the governor, 7 members appointed by the Senate President, and 7 members appointed by the Speaker of the House. Four members of the Legislature also serve on the TBRC as non-voting, ex-officio members. The Commission has the unique ability to place constitutional amendments on the ballot but it takes an extraordinary vote -- 17 out of the 25 members -- to send a proposal to the ballot. The commission can also recommend changes in state law but these recommendations are subject to approval by the Legislature. (Click [HERE](#) to access the TBRC website)

The Commission is now considering 50 constitutional and statutory proposals, including several that relate to property and sales taxes, some of which would directly impact school funding and revenue. In addition, there are several proposals that address other school related issues. Proposals of particular interest and/or concern include:

- Constitutional Proposal 2 – requires the Legislature to replace most ad valorem taxes to fund education with revenues gained from the repeal of sales tax exemptions and the taxation of services. The amount of the required local effort that must be replaced must be greater than or equal to the required local effort specified in the “2008 budget.”
- Constitutional Proposal 7 – requires the Legislature to take a roll-call vote on whether to repeal each sales tax exemption. Revenue gained as the result of this measure must be used to lower the sales tax rate or reduce required local effort.
- Constitutional Proposal 10 – prohibits the Legislature from enacting laws that address issues that are mandatory subjects of collective bargaining.
- Constitutional Proposal 12 – provides that effective July 1, 2012, the sales tax will apply to all services except those made exempt. Exemptions may be created before or after July 1, 2012, by laws that address a single service.
- Constitutional Proposal 18 – requires the Legislature to amend the laws of the state to permit entry into an agreement with other states to simplify the process that remote (internet) sellers may use to calculate and remit sales and use taxes to the state. (*Statutory Recommendation 17 provides the statutory implementing language if this Constitutional Proposal were enacted.*)

- Constitutional Proposal 20 – repeals a limit on the power of the state to spend funds directly or indirectly in aid of sectarian institutions.
- Constitutional Proposal 21 – provides a \$25,000 exemption for tangible personal property and an exemption for non-homestead improved residential property equal to a percentage of the property's just value above \$50,000. The proposal limits annual increases in assessments of real property that is not homestead property, and provides for a temporary one cent increase in the state sales and use tax dedicated to school districts to compensate for the loss of property tax revenues resulting from these revisions.
- Constitutional Proposal 26 – requires that, beginning with the 2009-2010 school year, 65% of school funding received by school districts be spent on classroom instruction, rather than administration. The Legislature will define classroom instruction and administration.
- Constitutional Proposal 28 – requires that per student funding from the General Revenue Fund must be at least equal to the national average; requires that lottery and gambling revenues are used to supplement General Revenue funds.
- Statutory Recommendation 29 – creates a joint legislative committee to review sales tax exemptions over three-year periods for conformance with the principles of equity, compliance, pro-competitiveness, neutrality, stability, and integration, and public purpose.
- Constitutional Proposal 30 – makes the class size limitations applicable to school averages and creates limited flexibility in the number of students assigned to each teacher. *(This proposal was submitted by FSBA.)*
- Constitutional Proposal 40 – authorizes individuals to choose among public and private or sectarian providers of state-funded public services for services such as health care and education. *(This would allow all students to be eligible for voucher programs.)*
- Constitutional Proposal 41 – limits revenue increases for special districts, municipalities, counties, and the state to inflation plus the percentage change in population; limits revenue increases for school districts to inflation plus the percentage change in enrollment; authorizes the Legislature to increase the state revenue limit by a supermajority vote; provides that voters may approve local government revenue limit increases by a majority vote or suspensions by a supermajority vote.
- Constitutional Proposal 44 – provides that public schools are the principal means for satisfying the state's duty to educate, though other innovative educational alternatives that allow students to obtain a high quality education shall also be permissible.
- Constitutional Proposal 45 – provides ad valorem revenue limits and spending limits for the state, school districts, and other local governments; school district revenue increases are limited to the rate of inflation plus changes in property values due to changes, additions, reductions, or improvements; school district spending limit is equal to the spending authorized on November 4, 2008 adjusted for the percentage change in enrollment and inflation, and for property tax revenue increases approved by the voters; provides that voters may approve the suspension of the spending and revenue limits temporarily.
- Constitutional Proposal 48 – requires the Legislature by general law to create a process to review sales tax exemptions and services not subject to the sales tax.
- Statutory Recommendation 49 – requires each constitutional officer, board, or other taxing authority that obtains its revenue from ad valorem taxes to submit a line-item, zero-based budget to the county commission prior to the commission's budget hearings.
- Constitutional Proposal 50 – directs the Legislature to eliminate property taxes required for education and replace said funds with a combination of revenues generated from the repeal of sales tax exemptions, up to a one cent increase in the sales tax, spending reductions, and other identified revenues; reduces the allowable millage rate on property taxes levied for school purposes from 10 to 5 mills.

Clearly, several of these proposals present grave concerns. FSBA urges you to familiarize yourself with these issues and with the members of TBRC so you will be prepared to advocate on these issues. *(Click [HERE](#) to access information on all of the proposals currently under consideration by TBRC; Click [HERE](#) to access a list of the members of TBRC)*

Florida Public Schools Climb in National Rankings

As we cope with a rather bleak economic outlook and struggle with some harsh education policy proposals, there is some very good news about Florida's education system. Education Week recently released the 12th edition of **Quality Counts** report which rates education in the United States. This year, Florida ranked 14th among the 50 states and the District of Columbia, improving significantly from its rank of 31st last year. The Quality Counts report uses a variety of data to assess states in six areas of performance and policy: chance-for-success; K-12 achievement; standards, assessments, and accountability; transitions and alignment; the teaching profession; and school finance. Florida ranked very high in some areas, such as school accountability, but very poorly in others, such as school spending. Florida's overall grade was C+, compared to the national average of C. (For more information, click [HERE](#) to access the Quality Counts report on Florida)

Interim Bill Action

More than 1600 education related bills have been filed for consideration during the legislative session. Below is a status report on bills of particular interest that have been considered thus far. (Click [HERE](#) to view all bills currently on the FSBA Tracking List)

HB 185 – Multiple Birth Sibling by Heller *(Identical to SB 642 by Siplin)*

The bill allows the parents of multiple birth siblings assigned to the same grade level and school to request that the school place the siblings in the same classroom or in separate classrooms. The bill requires the school to place the multiple siblings as requested by the parents, except if factual evidence of performance shows that the siblings should be separated; the request would require the school district to add an additional class to the school; or it is determined that the requested placement is disruptive to the school.

Status: Favorable in K-12 as amended.

SB 242 – Single Gender Schools, Classes, and Programs by Wise *(Similar to HB 213 by Legg)*

The bill authorizes district school boards to establish and maintain a single-gender school, class, or program when the school district also makes available a coeducational school, class, or program that has equal academic standards and a school, class, or program for pupils of the other gender that has equal standards. Student participation at a single-gender school, class, or program is voluntary. Each district school board that establishes single-gender schools, classes, or programs must evaluate them every 2 years in order to ensure compliance with federal requirements.

Status: Favorable in Education Pre-K - 12 as a Committee Substitute *(HB 213 favorable in Education Innovation & Career Preparation as amended)*

SB 286 – Educators Teaching English/Inservice by Wise *(Similar to HB 491 by Carroll)*

The bill establishes in-service requirements for teachers of English for Speakers of Other Languages (ESOL). The bill specifies that a teacher providing ESOL instruction must comply with the following in-service requirements:

- Primary English instructor (Basic ESOL) who is an English/Language Arts teacher: 300 in-service hours or the equivalent;
- Instructor teaching the basic subject areas of reading, mathematics, science, social studies or computer literacy: 60 in-service hours or the equivalent;
- Instructor teaching subject areas other than basic ESOL or the above basic subject areas: 18 in-service hours or the equivalent; and
- School administrator or guidance counselor: 60 in-service hours or the equivalent.

Status: Placed on Senate Calendar

SB 292 – School Grading System by Wilson *(Similar to HB 971 by Bendross-Mindingall)*

The bill removes the letter grades used to describe school performance under Florida's system of school improvement and accountability.

Status: Unfavorable in Education Pre-K - 12; Laid on the Table

SB 302 – Public School Dress Requirements by Siplin *(Identical to HB 335 by Bullard)*

The bill prohibits students from wearing and exposing undergarments that expose or exhibit covered or uncovered sexual organs. Students who do not comply would receive a verbal warning for the first offense and suspension from school for each subsequent infraction.

Status: Placed on Senate Calendar *(HB 335 favorable in Pre-K - 12 as amended)*

SB 526 – Interscholastic Sports by Wise

The bill permits a student in private school to participate in interscholastic extracurricular activities at a public school if the student's school does not provide the sport. To participate, the student must meet certain conditions, including requirements for standards of conduct, student academic performance, and residency. The bill provides that the student is ineligible to participate if he or she is unable to meet the required academic standards. Additionally, the bill provides eligibility criteria for students who transfer from a private school before or during the first grading period.

Status: Favorable in Education Pre-K - 12 as a Committee Substitute

SB 574 – School Access / Officer Training Corps by Baker *(Similar to HB 251 by Jordan)*

The bill prohibits a school district from banning the establishment, maintenance, or operation of a Junior Reserve Officers' Training Corps (JROTC) program at a public high school within the district. Additionally, it allows a student to enroll in a JROTC unit at another public high school if one is not available at the student's school. The bill affords military recruiters the same access to secondary education students as that provided to recruiters from postsecondary educational institutions and prospective employers. The bill also includes similar provisions for Senior Reserve Officers' Training Corps programs in community colleges and state universities.

Status: Favorable in Military Affairs and Domestic Security as a Committee Substitute

SB 856 – Disability History and Awareness Pilot by Fasano *(Similar to HB 91 by Richardson)*

This bill creates a pilot project for disability history and awareness to be administered by the district school boards in Hillsborough, Leon, Pasco, and Pinellas Counties. The bill directs the University Center for Excellence in Developmental Disabilities Education, Research, and Service (UCEDD) at the University of South Florida, in collaboration with the Florida Youth Council, to provide technical assistance to the participants in the pilot project and to submit a report to the education committees of the Senate and House and the Commissioner of Education by January 30, 2009. The bill appropriates \$10,000 to each of the four school boards in the pilot districts.

Status: Favorable in Education Pre-K - 12

SB 1062 – Educator Certification / Foreign Language by Dockery *(Similar to HB 207 by Sachs)*

The bill provides additional options for teacher certification candidates to demonstrate mastery of subject area knowledge for the world languages of Arabic, Chinese, Farsi, Greek, Haitian Creole, Hebrew, Hindi, Italian, Japanese, Portuguese, and Russian. The bill provides that a bachelor's degree, combined with the attainment of certain proficiency scores on approved world language examinations, may be used to demonstrate subject area mastery for which there are no Florida-developed exams.

Status: Favorable in Education Pre-K - 12 as a Committee Substitute

SB 1070 – Intergovernmental Cooperation by King *(Identical to HB 445 by Proctor)*

The bill authorizes district school boards to enter into interlocal agreements regarding the maintenance of facilities or equipment on a cost-reimbursement basis or on the basis of educational benefits for employees or students; the transportation of students, building rental, and maintenance of property and school plants; and the use of school buses for other public purposes beyond serving the transportation disadvantaged. Also, the bill addresses reimbursement of the district school board for the use of school buses and requires indemnification of the board for use of the buses pursuant to an interlocal agreement.

Status: Favorable in Community Affairs

SB 7038 – Ethics in Education by Education Pre-K - 12

The bill establishes comprehensive changes at the state and local level regarding the screening, hiring, and termination policies for educators and the reporting procedures related to allegations of educator misconduct.

- *Educator Certification* – The bill establishes a list of crimes or delinquent acts that would serve as an absolute bar against any individual, if convicted, from obtaining or retaining a teaching certificate or employment involving direct contact with students and requires each school district to adopt a list of crimes to include at minimum, those at the state level.
- *Educator Employment and Screening Policies* – Requires school districts to adopt stringent and effective policies for screening potential employees and terminating existing employees for misconduct. The superintendent would be held responsible for communicating to all employees the expected ethical standards and the procedures for reporting allegations of teacher misconduct. Every school district would be required to notify DOE of the termination of any employee, regardless of cause, and the DOE must include this information on a secured website accessible by the districts. The bill prohibits school districts from entering into any form of confidentiality agreement when terminating an employee, requires the district to contact the previous employer of every candidate for employment, and to access the DOE certification website. The bill contains provisions for significant financial penalties and certification sanctions for noncompliance.
- *Schools of Choice* – The Florida School for the Deaf and Blind and private school providers that accept students under state-supported scholarship programs would be held to the same standards as those required in the bill of local school districts. Private providers that fail to comply with the provisions of the bill would be prohibited from accepting students or any state funding for the period of one calendar year.
- *Education Practices Commission* – The bill revises the membership of the Education Practices Commission to include sworn law enforcement officers and parents of public school students. The authority of the Commission is also expanded to allow for discipline of an educator who knowingly fails to report suspected or actual misconduct by an educator or any violation of the Principles of Professional Conduct for the Education Profession.
- *Retirement Benefits* – The bill requires that any public officer or employee convicted of certain crimes involving minors would forfeit their right to any state retirement benefits.

Status: Submitted as Committee Bill

SB 7040 – Charter Schools by Education Pre-K - 12

The bill substantially amends statutes relating to charter schools to increase accountability.

- *Financial Management* – Prior to filing a charter application, applicants for charter schools and charter technical career centers must participate in the training provided by DOE that involves financial planning, estimating costs and income, projecting enrollment, and identifying state and federal funding sources. The bill establishes indicators of risk for financial difficulty and provides a corrective action plan to assist these schools. The bill makes charter technical career centers subject to the Financial Emergencies Act, which currently only applies to local governments, district school boards, and charter schools. The bill provides additional grounds for non-renewal or termination of a charter to include when a charter school fails to correct the deficiencies in a corrective action plan within one year or exhibits one or more financial emergency conditions for two consecutive years.
- *Class Size* – The bill provides that the number of students eligible for funding in a charter school is no more than the number of students provided for in the class size caps in the state constitution. Charter schools will not be funded for students who exceed these caps.
- *Standards of Conduct* – Personnel in charter schools or charter technical career centers that are operated by a private entity may not employ or promote a relative if he or she exercises jurisdiction or control over the individual. This prohibition also applies to governing board members and their relatives and to charter school personnel in schools operated by municipalities or other public entities.

Members of the governing board of a charter school or charter technical career center, including those operated by private entities, are subject to the same requirements that apply to public employees for the solicitation and acceptance of gifts, business transactions, and conflicting employment or contractual relationships. The bill also subjects board members to the voting conflict requirements. Board members of charter schools or centers operated by public entities are explicitly subject to the requirements for public disclosure of financial interests in s. 112.3144, F.S.

- *School Grades and Improvement Ratings* – The bill provides reporting requirements for the DOE and each charter school that does not receive a school grade or a school improvement rating to the extent that the information does not compromise a student’s privacy. Charter schools must report information to the parents of a student at the charter school and others. The bill requires charter schools to post this information on their website and provide for other notice to the public, as provided for in SBE rule. The Florida Schools of Excellence Commission must include a link on its website to this information.
- *Governance* – The bill provides that a district school board that is granted the exclusive authority to authorize charter schools in the district retains this status unless it fails to meet the requirements in s. 1002.335, F.S. The board will no longer be required to annually re-submit a written resolution to the State Board of Education. A party may still challenge a school board’s exclusivity status, in accordance with the procedures in law.

Status: Filed as a Committee Bill

Important Legislative Dates

March 4, 2008	2008 Legislative Session Convenes
April 9 - 10, 2008	FSBA Day In the Legislature Conference
May 2, 2008	2008 Legislative Session Adjourns

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