



2018 FSBA POSITIONS ON ISSUES OF CONTINUING CONCERN

ASSESSMENT & ACCOUNTABILITY

FSBA SUPPORTS statewide and local assessment and accountability measures that are designed to support and enhance student learning. Collaborative efforts that include education stakeholders such as parents, teachers, and district leaders must continue to ensure Florida's accountability system is aligned with the federal Every student Succeeds Act (ESSA), recognizes individual student learning styles, and accurately reflects student progress and achievement. Toward this end, FSBA urges the Legislature to:

- ✧ Reduce the number of elementary schools required to provide an extra hour of intensive reading instruction from 300 to 100, rename as the "Reading Incentive" program, and provide districts with flexibility to provide the instruction beyond the school day and/or school year.
- ✧ Grant Level 3 and 4 students at the Lowest 300 schools the same choice currently authorized for Level 5 students regarding the option to participate or not participate in the additional hour of intensive reading instruction.
- ✧ Authorize alternate methods for assessing learning and achievement for special populations such as ESE and ELL students, including:
 - Set goals for ELL and ESE subgroups based on achieving learning gains versus achieving proficiency;
 - Provide Florida's statewide assessments in multiple languages to ELLs that have received instruction for less than three years as allowed by federal regulations;
 - Provide a waiver from the passage of the English Language Arts (ELA) requirement for ELLs that have passed all other high school graduation requirements and have been enrolled in school less than two consecutive years; and
 - Include the performance of ELL students enrolled in school for more than two years for accountability on the FSA.
- ✧ Reestablish the Special Diploma as an option for special needs students and revise current graduation regulations to include the special diploma students as graduates in the four year rate.
- ✧ Remove ESE Center schools from the school grade portion of the state accountability system.
- ✧ Modify the waiver provisions so that students enrolled in ESE programs, except gifted, are exempt from state assessment requirements unless the student's Individual Education Plan provides for such assessment.
- ✧ Eliminate the reversion of assessment scores to a student's assigned school for those students attending a school or program other than their assigned school.
- ✧ Revise the school grading system to factor in indicators that address student demographics.
- ✧ Allow paper and pencil testing options for all assessment requirements.
- ✧ Revise the 1-year residency requirement to allow secondary students to enroll in for dual enrollment or co-enrollment course offerings and to allow former secondary students to enroll in adult continuing education.

FUNDING

A strong and consistent financial investment in education is vital for the academic success of students and for the economic prosperity of all Floridians. Such an investment must include new revenue sources, must be stable and equitable, and must not shift state funding responsibilities to school districts. In support of these objectives, FSBA urges the Legislature to:

- ❖ Provide sufficient per student funding to place Florida in the upper quartile nationally, increase the Base Student Allocation by an amount sufficient to cover enrollment growth, workload, state programmatic changes, and inflation, and ensure that funding for each categorical allocation within the FEFP is sufficient to cover actual costs, growth, and inflation, and is not reduced by either enrollment or revenue changes during the fiscal year.
- ❖ Retain, rather than roll-back, the Required Local Effort (RLE) millage rate or, at a minimum, calculate the RLE millage rate to reflect increases in property values attributable to improvements or new construction and use state funds to replace the loss of local revenue due to this partial rollback of the RLE millage rate.
- ❖ Develop and implement more realistic estimates of projected growth in student populations to reduce the incidence of mid- and late-year funding reductions and establish a contingency amount from non-recurring funds to be used to cover any proration that occurs in the FEFP due to an increase in student enrollment over projections.
- ❖ Fully fund all costs for student transportation, including the additional funding necessary to address:
 - the maintenance and replacement costs for school buses that must travel over dirt or unpaved roads; and
 - the training, equipment, and safety features for the transportation of special needs/ ESE students.
- ❖ Restore funding for courses beyond a base 6-period/1.0 FTE day, including virtual education, dual enrollment, and college tuition/administrative charges for dual enrollment, so that students can meet requirements for advanced study and industry certified programs without financially penalizing school districts.
- ❖ Eliminate the requirement that school districts must pay tuition or administrative fees to state colleges and universities for dual enrollment.
- ❖ Conform the penalty for failure to meet class size reduction requirements to school average.
- ❖ Restore Workforce Education Funding to pre-recession levels, restore performance incentives, modify funding to reward institutions experiencing growth, and commit to annual increases thereafter for school districts to meet state and regional workforce needs as outlined by the Department of Economic Opportunity.
- ❖ Eliminate the arbitrary cap on the number of gifted high school students funded.
- ❖ Increase the level of funding for Voluntary Pre-Kindergarten (VPK) programs to meet the original intent of Florida's constitutional amendment that would allow full funding for a full day for all 4-year-olds.
- ❖ Provide adequate funding systems to address behavioral and mental health.
- ❖ Support the identification and/or dedication of new or existing state funding for K-12 public schools, which supplements and does not supplant current funding.

- ❖ Prohibit the state from mandating or assigning any new, existing, expanded, or modified programs or responsibilities to any school district unless such programs or responsibilities are fully funded by the state.
- ❖ Create a categorical to fund the additional costs associated with educating students living in poverty and distribute based on a district's percentage of students eligible for free and reduced lunch if above the state average.
- ❖ Expand the allowable use of locally voted sales tax to include operating expenses.
- ❖ Allow school districts to use their portion of the state motor fuel tax credit toward the purchase of replacement school buses in addition to the existing authorized use of these funds.
- ❖ Support legislation that enables Florida to collect state sales tax due on remote and internet purchases of goods and services that are currently taxable offline.

PERSONNEL

FSBA recognizes that excellence in student achievement depends greatly upon having dedicated educators who are highly skilled, thoroughly trained, and fairly compensated. In order to attract and retain topnotch instructional, administrative, and support personnel, each school district must have the control and flexible use of adequate funds for professional development, competitive salaries, and programs to support and mentor personnel. In pursuit of these goals, FSBA urges the Legislature to:

- ❖ Support a comprehensive recruitment and retention plan that, at a minimum, includes:
 - Fully funded strategies such as teacher fellowships and loan forgiveness programs to encourage and attract talented students to enter into the field of education;
 - Ongoing progress in the legislative effort to expand options for individuals to obtain temporary teacher certification and, subsequently, full professional certification for those who demonstrate their work to be effective or highly effective;
 - Fully funded program that provides scholarships or reimbursement to students who agree to undergo teacher training at accredited state supported schools of education in exchange for their commitment to work up to five years in a district that struggles to attract teachers and that provides a bonus for those going into areas of critical need, math, science, or exceptional student education;
 - Authorization for school districts to re-employ teachers, substitute teachers, and other instructional and support personnel after one month of retirement.
- ❖ Eliminate any requirement for districts to pay into FRS for employees who have already retired, have returned to work, and are prevented from receiving retirement pay.
- ❖ Prohibit the use of VAM-only scores in making teacher placement decisions, particularly with regard to approval of turnaround plans.
- ❖ Decrease the cost for the General Knowledge Test and allow a retake at no additional cost.
- ❖ Support local decision making for the assignment of teachers to schools that are negotiated through the collective bargaining process.
- ❖ Add a line item in the education section(s) of the General Appropriations Act that lists the employer contribution rate and projected cost for employee pensions, any unfunded liability, administrative costs, and the health insurance subsidy for each class of the Florida Retirement System.

FACILITIES AND PLANNING

Excellence in education cannot be accomplished without adequate funding for a sufficient number of well constructed and well equipped school facilities. Ample, equitable, and stable funding must be provided to ensure that school facilities offer environments that encourage and enhance teaching and learning and that support new technology. To achieve this, FSBA urges the legislature to:

- ❖ Support a comprehensive plan for the use of local capital outlay millage revenue that, at a minimum, includes:
 - Restoring the local discretionary capital outlay millage authority to 2 mills for all districts to meet facility, transportation, and charter school capital needs;
 - Establishing of a process and criteria by which all charter school capital outlay projects may be incorporated into the district state approved Capital Outlay Plan and require that local capital outlay funding may be expended only in accordance with the priority order of the Capital Outlay Plan;
 - Requiring that any charter school facilities that are funded by district capital outlay millage revenue are, or will become, a public asset that may be reclaimed and utilized by the school district and/or may be sold to recoup the investment made by local taxpayers;
 - Prohibiting personal financial enrichment of charter school owners, operators, real estate developers, managers, and other affiliated parties eligible for capital outlay funds;
 - Prohibiting any entitlement to public funds for privately owned charter school facilities.
- ❖ Exclude local capital outlay revenue sources, including local millage revenue and half-cent revenue, from the calculation in meeting statutory per student station cost caps.
- ❖ Ensure that appropriate and reasonable maximum per student station cost limits are established for the construction of new schools that account for the variance of construction costs in different local areas across the state.
- ❖ Support greater school board oversight of how capital construction dollars are utilized including renovations of schools and related facilities supported by localized data.
- ❖ Provide state funding to enable districts to enhance career academy and adult education capital needs.
- ❖ Allow district flexibility from SREF through a State Board of Education waiver process.
- ❖ Revise facility usage to be defined by both enrollment and educational services that take place at the school site, including Pre-K, art, music, ESE, and Headstart.
- ❖ Increase the rate and expand the base of the Gross Receipts Utilities Tax to enhance available state PECO funding.
- ❖ Identify new and/or enhanced state revenue streams for public school construction, remodeling, upkeep and maintenance, including A/C systems, school bus replacement, life-safety, hardening of emergency shelters, and classroom technology.
- ❖ Provide funding, from PECO or other state revenue sources, for qualified Special Facility Construction Account Projects.
- ❖ Oppose any efforts to reduce, eliminate, or direct the distribution of school impact fees.
- ❖ Oppose any effort to amend provisions relating to school concurrency, interlocal agreements, and existing school district exemptions from fees and/or compliance that have not been fully vetted with school districts and have not received a full public hearing in legislative education policy and appropriations committees.

SCHOOL CHOICE OPTIONS

Public school choice programs, such as charter schools, virtual schools, and magnet programs, can offer enhanced opportunities for students to excel. However, such programs must be subject to local authority and uniform accountability. To ensure that school choice options present academically sound opportunities for student success, FSBA urges the Legislature to:

- ✧ Support public school choices that are rigorous, engaging, and governed by local school boards so they are accountable to students, parents and the community.
- ✧ Repeal s. 1002.31(2)(f), F.S., which guarantees that students from other school zones and counties may attend a school to which they transferred through the highest grade for the school, to eliminate the conflict with s. 1002.31(2)(e), F.S., which states that students residing in the district, including charter school students, may not be displaced by a student from another district seeking enrollment under the controlled open enrollment process.
- ✧ Oppose any additional changes to the current controlled open-enrollment law that would impede school districts' authority over student enrollment.
- ✧ Support a comprehensive plan to restore local school board authority over charter schools that, at a minimum, includes:
 - Repealing provisions relating to a standard charter school contract to ensure that districts and charter schools are able to fully negotiate a charter contract;
 - Providing for non-renewal or termination of charters based on the "academic welfare" of the students;
 - Repealing the reduction in charter school administrative fees if a district does not enter into a performance-based agreement within 60 days;
 - Authorizing a school district to reject a Hope operator and requiring a Hope operator to employ certified teachers.
- ✧ Require that local governing authority relating to local zoning and land use requirements or restrictions apply to charter schools to the same extent as applied to traditional public schools.
- ✧ Protect taxpayer dollars by ensuring all public schools receiving state education funds adhere to the same fiscal and academic accountability measures and include all charter schools in the State Auditor General's audits of government entities.
- ✧ Oppose any mandated distribution of local capital outlay millage funds to charter schools without school board approval and without the requirements for fiscal accountability and expenditure controls.
- ✧ Amend s.1002.33, F.S., to clarify that constitutional school boards have the same authority over approval and oversight of charter schools as for district schools.
- ✧ Specifically enumerate the school district oversight responsibilities for charter schools and allow districts to recover actual costs of these services from charter school FTE allocations.
- ✧ Require a charter school to return any and all state and local public funds to the sponsor upon the charter school's election to defer the opening the charter school with the failure to timely return such funds resulting in the automatic good cause revocation of the charter agreement.
- ✧ Restrict approval of charter applications to a specific academic or space (niche) need which the local school district does not or cannot meet or if the district determines the application to be in the best interest of students.

- ✧ Amend Florida statutes to allow school boards with at least 10% of student enrollment in charter schools to analyze the need for additional charter schools and/or require new charters to locate in areas to address overcrowding, provide choice opportunities to students/parents zoned to failing schools, or meet a specific academic need the school district is not addressing.
- ✧ Require charter schools to submit to the school district required facility occupancy and use documentation by the 30th day prior to the first day of the school year and, if unable to meet the deadline, the school may default to an automatic deferral and planning year.
- ✧ Support legislation that enhances racial and ethnic balance of charter schools and ensures opportunity and access by requiring charter schools to weight low-income and educationally disadvantaged applicants in admissions lotteries and by requiring enrollment policies and practices to be public and/or transparent and subject to audit.
- ✧ Require proof of minimum financial reserves that may include a performance or similar surety bond at the time of application sufficient to cover the first year's operations, and facilities certified for occupancy at least two weeks before opening day.
- ✧ Ensure that charter schools are subject to the same laws, rules, and regulations as are applied to traditional public schools with regard to class size requirements, selection of students, release of students from school, facilities standards, tax exemptions, use of categorical funds, financial standards and transparency, ethics, and establishment of high performing status.
- ✧ Establish increased oversight and accountability for "for profit" charter and virtual management companies and oppose expanding the use of tax funds to support for-profit schools by:
 - Giving school districts the authority to audit all charter school funds, including direct support organizations, to ensure compliance with statutes.
 - Allowing excessive management fees to be included as a cause for denial of a charter application.
 - Requiring management fees to be calculated as a percentage of operating funds and reported on each charter school's website.
- ✧ Maintain the current delivery system that allows local school districts and community colleges to offer adult education programs, provide incentive funding for offering and successful completion of Dual Enrollment courses, and limit the number of changes to instructional materials that a college or professor can require so that each text maintains a minimum of a three year cycle of use.
- ✧ Align drop out prevention statutes with eligibility requirements for virtual instruction so that students who have dropped out of school are eligible for virtual instruction.
- ✧ Amend s. 1002.395(5), F.S., by deleting reference to automatic 25% increase in the tax credit cap amount, but allowing annual adjustments so that the section would read as follows:

(5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

(a) The tax credit may be adjusted annually based on current utilization of the tax credits and scholarships, in addition to revenue projections of the funding sources.

LOCAL AUTHORITY AND GOVERNANCE

Locally elected school boards are keenly aware of the unique needs of the community that it serves and is best positioned to make the decisions necessary to ensure the greatest opportunities for students. In support of the constitutional authority of school boards to operate, supervise and control public schools, FSBA urges the Legislature to:

- ✧ Repeal those portions of HB 7069 which infringe on the authority of school boards to make decisions in the best interests of their communities, including the appropriate expenditure of 1.5 capital outlay millage revenues and Title I funds.
- ✧ Give districts at least a full school-year implementation period for any new state laws or rules to accommodate necessary planning and budgeting and/or make any needed amendments to local school board policies.
- ✧ Preserve school board constitutional and home rule authority and oppose legislation that would subvert, bypass, or undermine that authority.
- ✧ Give flexibility to school boards to have specific statutes waived for a specified period of years, approvable by the Governor or State Board of Education, that are not in conflict with life-safety or other federal requirements and which can be demonstrated by the district as unnecessary, ineffective or a hindrance, or where the district can be more effective than current law in improving student performance.
- ✧ Provide funding to pilot a System of Care program to provide comprehensive, community-based services to high-risk youth and their families with the goals of reducing school disciplinary issues and juvenile arrests and boosting academic achievement and graduation rates.
- ✧ Encourage state and local entities, including schools and health and human services agencies, work together to encourage all eligible children are enrolled in the appropriate programs such as the Florida KidCare health care program.
- ✧ Oppose modification of the school district governance structure without input from the local school board and the residents within the county.
- ✧ Reject any attempt to dramatically increase sovereign immunity caps for local governments or to decouple caps for local governments from the caps that apply to state agencies.
- ✧ Amend the Florida Constitution to provide that the Commissioner of Education shall be elected via a statewide election; the Commissioner of Education shall serve as a member of the Cabinet of Florida; and the governor and the members of the cabinet shall constitute a state board of education.

List of Additions and Deletions to the 2017 Positions

Assessment & Accountability

Added or Replacement Provisions:

- ✧ Modify the waiver provisions so that students enrolled in ESE programs, except gifted, are exempt from state assessment requirements unless the student's Individual Education Plan provides for such assessment.

Removed Provisions – Outdated or Duplicative

- ✧ Halt the practice of using statewide standardized test results for any purpose other than diagnostic purposes.
- ✧ In advance of pending Congressional changes to the ESEA, use 2017 to revise Florida's accountability system into a reasonable and effective state program that measures and promotes student achievement in a manner that is valid, reliable, fair, funded, consistent with federal law, and does not exceed ESSA requirements; flexibility for accountability measurement, text selection, and administration should be provided to school districts, particularly at the high school level.
- ✧ Hold students, teachers, and schools harmless until an appropriate baseline for performance is established, but not earlier than the 2017-18 school year.
- ✧ Require the State Board of Education and commissioner to study the alignment of national assessments to Florida's standards and establish concordant scores so that districts may use the national assessments in lieu of FSA for all grade levels.
- ✧ Change the state's required assessment schedule so that FSA and state required EOC exams are given as late in the school year as possible but no earlier than April 15 and results are available to students, parents, teachers and school personnel before the end of the school year or June 10, whichever is earlier.
- ✧ Support a flexible approach to teacher accountability that provides a meaningful evaluation of teachers, including the elimination of the Value Added Model (VAM) component OR the local flexibility to use either the VAM score or the Percent Meeting Expectation (PME) score as the student performance component, with the DOE directed to align the rating distributions of the PME with the VAM to eliminate any significant percentage differences of teachers in each rating category. Updated provision added to Personnel section.

Funding

Added or Replacement Provisions:

- ✧ Provide sufficient per student funding to place Florida in the upper quartile nationally, increase the Base Student Allocation by an amount sufficient to cover enrollment growth, workload, state programmatic changes, and inflation, and ensure that funding for each categorical allocation within the FEFP is sufficient to cover actual costs, growth, and inflation, and is not reduced by either enrollment or revenue changes during the fiscal year.
- ✧ Retain, rather than roll-back, the Required Local Effort (RLE) millage rate or, at a minimum, calculate the RLE millage rate to reflect increases in property values attributable to improvements or new construction and use state funds to replace the loss of local revenue due to this partial rollback of the RLE millage rate.

- ✧ Restore Workforce Education Funding to pre-recession levels, restore performance incentives, modify funding to reward institutions experiencing growth, and commit to annual increases thereafter for school districts to meet state and regional workforce needs as outlined by the Department of Economic Opportunity.

Removed Provisions – Outdated or Duplicative

- ✧ Restore funding for all FEFP categoricals to the 2007-08 pre-recession levels as adjusted for growth and inflation.
- ✧ Support an increase in the Digital Classroom Allocation that will allow school districts to improve infrastructure and support technology needs, and to provide digital devices to support instruction and improve delivery of state assessments so that every student can take them at the same time.
- ✧ Restore grant funding for the Adults with Disabilities Program.
- ✧ Continue weighted funding for costly programs that are essential to maintain rigorous high school instructional programs, including Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, and Certified Career and Professional academy courses.

Personnel

Added or Replacement Provisions:

- ✧ Support a comprehensive recruitment and retention plan that, at a minimum, includes:
 - Fully funded strategies such as teacher fellowships and loan forgiveness programs to encourage and attract talented students to enter into the field of education;
 - Ongoing progress in the legislative effort to expand options for individuals to obtain temporary teacher certification and, subsequently, full professional certification for those who demonstrate their work to be effective or highly effective;
 - Fully funded program that provides scholarships or reimbursement to students who agree to undergo teacher training at accredited state supported schools of education in exchange for their commitment to work up to five years in a district that struggles to attract teachers and that provides a bonus for those going into areas of critical need, math, science, or exceptional student education.
 - Authorization for school districts to re-employ teachers, substitute teachers, and other instructional and support personnel after one month of retirement.
- ✧ Prohibit the use of VAM-only scores in making teacher placement decisions, particularly with regard to approval of turnaround plans.

Removed Provisions – Outdated or Duplicative

- ✧ Add a line item in the education section(s) of the General Appropriations Act that lists the employer contribution rate and projected cost for employee pensions, any unfunded liability, administrative costs, and the health insurance subsidy for each class of the Florida Retirement System.

Facilities & Planning

Added or Replacement Provisions:

- ✧ Support a comprehensive plan for the use of local capital outlay millage revenue that, at a minimum, includes:
 - Restoring the local discretionary capital outlay millage authority to 2 mills for all districts to meet facility, transportation, and charter school capital needs;
 - Establishing of a process and criteria by which all charter school capital outlay projects may be incorporated into the district state approved Capital Outlay Plan and require that local capital outlay funding may be expended only in accordance with the priority order of the Capital Outlay Plan;

- Requiring that any charter school facilities that are funded by district capital outlay millage revenue are, or will become, a public asset that may be reclaimed and utilized by the school district and/or may be sold to recoup the investment made by local taxpayers;
 - Prohibiting personal financial enrichment of charter school owners, operators, real estate developers, managers, and other affiliated parties eligible for capital outlay funds;
 - Prohibiting any entitlement to public funds for privately owned charter school facilities.
- ✧ Exclude local capital outlay revenue sources, including local millage revenue and half-cent revenue, from the calculation in meeting statutory per student station cost caps.

Removed Provisions – Outdated or Duplicative

- ✧ Ensure that all state funding for capital outlay purposes is distributed in accordance with consistently applied criteria that identifies and documents the specific need for such funds.
- ✧ Provide local control over the use of revenue derived from the local capital outlay millage.

School Choice Options

Added or Replacement Provisions:

- ✧ Support public school choices that are rigorous, engaging, and governed by local school boards so they are accountable to students, parents and the community.
- ✧ Support a comprehensive plan to restore local school board authority over charter schools that, at a minimum, includes:
 - Repealing provisions relating to a standard charter school contract to ensure that districts and charter schools are able to fully negotiate a charter contract;
 - Providing for non-renewal or termination of charters based on the “academic welfare” of the students;
 - Repealing the reduction in charter school administrative fees if a district does not enter into a performance-based agreement within 60 days;
 - Authorizing a school district to reject a Hope operator and requiring a Hope operator to employ certified teachers.
- ✧ Require that local governing authority relating to local zoning and land use requirements or restrictions apply to charter schools to the same extent as applied to traditional public schools.

Local Authority & Governance

Added or Replacement Provisions:

- ✧ Repeal those portions of HB 7069 which infringe on the authority of school boards to make decisions in the best interests of their communities, including the appropriate expenditure of 1.5 capital outlay millage revenues and Title I funds.

Removed Provisions – Outdated or Duplicative:

- ✧ With regard to Division of Administrative Hearings, require that the burden of proof shall be upon the sponsor and the standard of proof shall be whether the preponderance of the evidence supports the grounds for the sponsor’s proposed action.
- ✧ Oppose any “parent empowerment” or “parent trigger” legislation that usurps the constitutional authority of the school board and oppose any effort to impose a turnaround option on a low performing school without the consent of the school advisory council and district school board.