



Florida School Boards Association

The voice of education in Florida.

Amendment 8 – School Board Term Limits, Limiting School Board Authority Over Public Schools, and Promotion of Civic Literacy

Amendment 8 would amend Article IX, Section 4 and would create a new section in Article XII of the State Constitution. The proposal would limit school board members to two consecutive four year terms in office, would specify which schools are operated, controlled, and supervised by a school board, and would require the Legislature to provide for the promotion of civic literacy in public education.

Key Points Regarding Term Limits

- If imposing term limits is intended to encourage more competitive races and/or to reduce the power of incumbency, a review of school board election results for 2010, 2012, 2014, and 2016 (**see table below**) clearly shows that these problems do not exist for school board races.
 - Most school board races (an average of 65%) are competitive. This is because, unlike most other elections in Florida, school board elections are non-partisan. As a result, school board races do not attract phantom or write-in candidates that only give the appearance of competition. Instead, school board races attract real candidates with real ideas and real competition.
 - A substantial number of all school board races (an average of 41%) result in the election of a new school board member. Clearly, the power of incumbency is significantly reduced in competitive, non-partisan local elections and there is no evidence that school board members are entrenched in their seats.
- This data shows that Amendment 8 is not necessary. Voters are already doing a good job imposing natural terms limits on school board races to provide a healthy balance of fresh, new perspectives and experienced veterans on our school boards.

YEAR	S.B. SEATS UP FOR ELECTION	QUALIFIED CANDIDATES	COMPETITIVE RACES	INCUMBENTS RE-ELECTED	NEW MEMBERS ELECTED
2010	210	463	143 – 68%	126	84 – 40%
2012	159	357	102 – 64%	97	62 – 39%
2014	210	444	144 – 69%	132	78 – 37%
2016	162	347	96 – 59%	87	75 – 46%

- Imposing term limits on school board members is not fair. This proposal applies term limits to only one group among several similar groups of local elected officials. It seems discriminatory and punitive to single out one group to be subjected to these limitations that are not applied equally to all similar groups.
- Imposing term limits may not have the desired effect. Imposing term limits on legislators does not appear to have successfully encouraged more competitive races nor have term limits effectively reduced the power of incumbency. Instead, term limits seem to encourage allowing a term-limited legislator to remain in office, unchallenged, until the term limit is reached.

Additional Information on Term Limits

- There are 358 school board members serving in Florida's 67 school districts. In 43 school districts, school board members are elected by a district-wide vote of electors (at-large election). In 21 school districts, school board members are elected by a vote of the electors within their residence area (single member district election). In 4 school districts, school board members are elected by a combination of single member district election and at-large election.
- Pursuant to a citizens' initiative approved by voters in the 1992 General Election, Article VI, Section 4 of the Florida Constitution was amended to impose an eight year term limit on members of the Florida Legislature, the Florida Lieutenant Governor, and any office of the Florida Cabinet. This term limit also would have applied to Florida's delegation in the U.S. House and U.S. Senate, but it was deemed unconstitutional by the Florida Supreme Court.
- Term limits also have been applied in a few Florida counties to a small number of local elected officials, including the members of one school board. However, the decision to impose term limits in these cases was made at the local level.

Key Points Regarding Authority Over Public Schools

- Amendment 8 appears to be an effort to authorize an entity other than the elected school board to establish a traditional public school, a charter school, a school of hope and/or other choice options. Transferring this authority to an individual or entity that is not elected denies taxpayers, families, and communities any means to hold the authorizing entity fiscally and programmatically accountable.
- This proposal would permit and encourage the creation of a parallel system of free public schools by essentially creating two systems: One system under the operation and control of the locally elected school board and another system under the operation and control of some other entity. This threatens the state's ability to comply with the constitutional mandate for a uniform system of free public schools.
- The proposal would permit and encourage a process to establish a public school without regard to the need for, desire for, or appropriateness of, the new school. This threatens the state's ability to comply with the constitutional mandate for an efficient system of free public schools.
- With Florida being a national leader in public and private school choice options, including more than 3,500 traditional public schools, more than 650 charter schools, five existing private school scholarship programs, and a state policy of open enrollment, there is no evidence that an additional public school authorizing entity is necessary or desirable.

Additional Information on Authority over Public Schools

- Florida law specifies that all charter schools in Florida are public schools which places them under the purview of the elected school board. As a result, the vast majority of charter schools must apply to, and be approved by, local school boards.
- It is evident that charter schools have thrived in Florida, rapidly increasing from 5 charter schools in 1996-1997 to 654 charter schools in 2016-17. Currently, more than 283,000 students are enrolled in charter schools in 46 Florida districts. Florida ranks third, behind California and Texas, in both the number of charter schools and in the number of students served in charter schools.
- Recent legislation provides for the establishment of "schools of hope" that may be established and operated by charter schools or similar entities without the approval of the school board. This legislation is the subject of multiple legal challenges relating to the constitutional authority of school boards.

Key Points Regarding Promotion of Civic Literacy

- Promotion and instruction in civic literacy is already well established in Florida Statutes, incorporated into the Florida Standards, and measured by Florida's statewide, standardized assessment system. As just a few specific examples of these statutory provisions:
 - Section 1003.42, F.S., requires each district school board to provide instruction regarding the history, significance, and principles of the Declaration of Independence and the Constitution of the United States, flag education, and the arguments in support of adopting our republican form of government. This required instruction is also incorporated in the district's required character-development program in kindergarten through grade 12.
 - Section 1003.41, F.S., provides that Florida's Next Generation Sunshine State Standards for social studies includes civics content in kindergarten through grade 8 and in grades 9 through 12.
 - Section 1003.4156, F.S., requires each middle grades student to complete three social studies classes in order to be promoted to high school, one semester of which must be in civics.
 - Section 1008.22, F.S., provides that the middle grades civics course requirement includes a required statewide, standardized end-of-course (EOC) assessment in civics and a student's score on the Civics EOC must constitute 30% of the student's final course grade.
 - Section 1007.25, F.S., requires each student entering a Florida College System institution or state university to demonstrate competency in civic literacy.
 - Section 683.1455, F.S., designates September as "American Founders' Month in Florida.
 - Section 1003.421, F.S., establishes Celebrate Freedom Week to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded.
- As illustrated by these, and other, statutory provisions, it is evident that civic literacy is well entrenched and promoted in Florida and it is not necessary to further enshrine civic literacy in the state constitution.

The Bottom Line on Amendment 8

The Constitution Revision Commission should promote only those proposals that are necessary, that are fair, that will have the desired effect, and, most important, that will make a meaningful and positive difference in the lives of all Floridians. Amendment 8 does not meet any of these criteria.