



Florida School Boards Association

The voice of education in Florida.

FSBA Resolution Opposing Amendment 8

- Whereas,** The Florida Constitution Revision Commission has proposed an amendment to the Florida Constitution, Amendment 8, that will appear on the November 2018 General Election ballot; and
- Whereas,** Amendment 8 would amend Article IX, Section 4 and create a new section in Article XII of the State Constitution which, if approved by voters, would limit the current constitutional authority of the elected school board to operate, control, and supervise all public schools within the school district, would limit school board members to two consecutive four year terms in office, and would require the Legislature to provide for the promotion of civic literacy in public education; and
- Whereas,** The Florida Constitution currently provides, in part, that the elected school board shall operate, control, and supervise all free public schools within the school district and Amendment 8 would revise this provision to specify that the elected school board shall operate, control, and supervise all free public schools established by the district school board within the school district (*emphasis added*); and
- Whereas,** Amendment 8 would significantly limit the current authority of the elected school board to operate, supervise, and control all public schools within the school district to only those public schools that are established by the school board; and
- Whereas,** Amendment 8 appears to allow the legislature to authorize the establishment of public schools by an entity other than the elected school board; and
- Whereas** Since public schools are funded with public tax dollars, transferring the authority to establish a public school to an entity that is not locally elected would constitute taxation without representation by denying taxpayers any means to hold the establishing entity fiscally, academically, and programmatically accountable that is currently accomplished by electing local school board members; and
- Whereas,** Transferring the authority to establish a public school to an entity other than the school board would permit and encourage the creation of a parallel system of free public schools which threatens the state's ability to comply with the constitutional mandate for a uniform system of free public schools; and
- Whereas,** Amendment 8 would permit and encourage a process to establish a public school without regard to the need for the new school as is currently required by law; and
- Whereas,** Amendment 8 does not clearly explain the intent and implications of authorizing an alternate entity to establish public schools, thus denying to voters and taxpayers the information necessary to make an informed decision when voting, and potentially contradicting Florida's current constitution; and

Whereas, An additional public school authorizing entity to expand school choice is not necessary since Florida is already a national leader in public and private school choice options including, but not limited to, more than 3,500 traditional public schools, more than 650 charter schools, more than 580 magnet schools and programs, five private school scholarship programs, more than 6,000 public and private schools offering Voluntary Prekindergarten programs, state and local virtual school options, and a statewide policy of open enrollment; and

Whereas, Term limits are typically imposed to encourage more competitive races and/or to reduce the power of incumbency; and

Whereas, A review of the election results for the last four general election cycles reveals that most school board races (an average of 65%) are competitive, involving 2 or more legitimate, active, and viable candidates; and

Whereas, A substantial number of all school board races (an average of 41%) result in the election of a new school board member; and

Whereas, Imposing term limits on school board members is not necessary based on objective data that clearly shows that voters have imposed natural term limits on school board members and it has resulted in a healthy balance of both new and experienced perspectives on our school boards; and

Whereas, Amendment 8 unfairly imposes term limits on only one group of Constitutional officers from among several similar groups of Constitutional officers and local elected officials; and

Whereas, The promotion and instruction in civic literacy on the elementary, secondary, and postsecondary levels is already well established in law, incorporated into the Florida Standards, and measured by Florida's statewide, standardized assessment system; and

Whereas, Any amendment to the Florida Constitution should be transparent, necessary, and clear with regard to the amendment's impact and Amendment 8 is not;

NOW, THEREFORE, BE IT RESOLVED that the Florida School Boards Association is opposed to Amendment 8 because it proposes revisions to the Florida Constitution that are not transparent, necessary, nor clear with regard to its impact.