



## **2019 FSBA POSITIONS ON ISSUES OF CONTINUING CONCERN**

*(Items marked with an asterisk \* indicate 2019 Platform Priorities)*

### **STUDENT SAFETY**

FSBA believes it is a paramount duty of the state to fulfill the constitutional mandate to provide a safe and secure public school system. Each school district must be provided with flexibility and sufficient operating and capital funding to take all necessary and appropriate steps to ensure student safety and security in a manner consistent with the diverse needs and public expectations of each school district. In pursuit of these objectives, FSBA urges the Legislature to:

- ✧ \*Increase recurring operational funds that provide school districts local flexibility to hire at least one law enforcement officer, school safety officer, guardian at each school and to implement local safe school initiatives.
- ✧ \*Increase funding to the FLDOE safe schools facility grant program in order for more schools in Florida to be hardened for safety.

### **ASSESSMENT & ACCOUNTABILITY**

FSBA supports statewide and local assessment and accountability measures that are designed to support and enhance student learning. Collaborative efforts that engage all education stakeholders must continue to ensure that 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, from 300 to 100, the number of elementary schools required to provide an extra hour of intensive reading instruction and rename as the "Reading Incentive" program.
- ✧ Grant Level 3 students at the Lowest 300 schools the same choice currently authorized for Level 4 and 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.
- ✧ Revise the 1-year residency requirement to allow secondary students to enroll in dual- or co-enrollment course offerings and to allow former secondary students to enroll in adult continuing education.
- ✧ Use additional student performance measures including, but not limited to, student portfolios, local assessment results, student course work, and similar documentation.
- ✧ Continue to allow students to use a concordant score from the PERT to demonstrate mastery in Algebra I in lieu of the state assessment, with a concordant PERT score in alignment with ACT and SAT.

### **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:

- ✧ \*Retain, rather than roll-back, the Required Local Effort (RLE) millage rate so it reflects both the overall increases in property values and the increases in property values attributable to improvements or new construction or, at a minimum, use state funds to replace the loss of local revenue due to any total or partial rollback of the RLE millage rate.
- ✧ \*Increase the Base Student Allocation by a minimum of 3% over the prior year and support an overall increase in per-pupil funding to ensure all districts can provide high quality educators.
- ✧ \*Build upon the investment for mental health services by providing funding to hire additional school counselors and to expand and enhance mental health services available through school and community coordinated services and other wraparound services.
- ✧ 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.
- ✧ Ensure that public and private schools are treated equitably by the state by applying the same tuition and fee waivers to both public and private schools for dual enrollment course offerings.
- ✧ Conform the penalty for failure to meet class size reduction requirements to school average.
- ✧ Eliminate the arbitrary cap on the number of gifted high school students funded.
- ✧ Increase state support for diverse Workforce Education program options that meet local, regional, or statewide workforce needs including start-up grants to provide incentives to recruit qualified instructors, to build business partnerships, and to provide instructional materials and equipment.
- ✧ Enhance the state investment in quality early learning and Voluntary Prekindergarten (VPK) programs by providing more robust funding, raising the qualifications of instructional personnel, improving the quality of the curriculum, and establishing uniform high quality early childhood indicators for public and private providers.
- ✧ Restore district level control and coordination of the use and distribution of federal Title I funds to ensure that services are provided in communities with the greatest number of eligible and most vulnerable students to help them meet high academic standards.
- ✧ 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.
- ✧ Authorize school boards to request voter approval of up to a 10 year effectiveness time frame for the voter approved millage authority provided in s. 1011.73, F.S., as is currently available to the voter approved ½ cent sales tax authority provided in s. 212.055(6), F.S.
- ✧ 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;
- ❖ \*Authorize school districts to re-employ, without FRS pension penalty, school-based leaders, instructional personnel, and school safety personnel after one month of retirement.
- ❖ 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.
- ❖ Create alternative options to achieve temporary and full certification for individuals who struggle with passage of the general knowledge test but who are rated as effective or highly effective.
- ❖ Support district authority over teacher evaluations and pay for performance including removing VAM (Value-added modeling) from teacher evaluations, particularly for teachers of disadvantaged students.

## **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.
- ❖ Develop a multi-year contractual program to authorize school districts to become innovation school districts provided with flexibility and autonomy to best serve their students.
- ❖ Support greater school board contractual oversight of charter schools including the authority to negotiate up to five addendums to the standard charter that are agreed upon by the school board and the charter school.

- ✧ Support a comprehensive plan to restore local school board authority over charter schools that, at a minimum, includes:
  - Providing for non-renewal or termination of charters based on the “academic welfare” of 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 30<sup>th</sup> 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/or virtual school 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.
- ✧ 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.

### **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:

- ✧ Reestablish the authority for school districts to levy up to 2.0 mills for capital purposes to meet the needs for facilities, maintenance, growth, and safety.
- ✧ Support a comprehensive plan for the use of local capital outlay millage revenue that, at a minimum, includes:
  - 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;
  - Requiring 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 voter-approved local capital outlay revenue sources, including local millage revenue and half-cent sales tax revenue, from the calculation in meeting statutory per student station cost caps.
- ✧ Support repeal of the mandatory redirection of local capital dollars away from district operated schools.
- ✧ Ensure that appropriate and reasonable maximum per student station cost limits are established for the construction of new schools that take into account the variance of construction costs in different local areas across the state.
- ✧ Provide state funding to enable districts to enhance career academy and adult education capital needs.
- ✧ 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.
- ❖ 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.

### **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:

- ❖ 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.
- ❖ 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.