

# FEA Frontline Report

---

March 13, 2008

Next Wednesday during the PTA Lobby Day Rally in Tallahassee parents, teachers, ESPs, union activists, school district administrators and students will be telling the Governor and the Legislature that they must make our schools a priority. Together we are turning up the heat on our elected leaders and soon they will have to decide if they are here to lead – or if they only care about doing what will get them re-elected. What we are asking them to do is not part of the Tallahassee “business as usual” politics. We’re asking them to put Florida’s families, our schools, community colleges and state universities before politics and re-election.

Unfortunately, the talk in the Capitol corridors is still about cutting the fat - that school districts can make ends meet even with the reductions in revenue - and there really hasn’t been any significant impact to our children’s learning environments. You would almost think they aren’t hearing the same news that the rest of us are hearing. The Legislature’s own Office of Economic and Demographic Research just this week reported that Florida’s employment picture is deteriorating, our unemployment rate is worse than the national average, that we’re second in the nation for home foreclosures, that more people are leaving our state than moving in and this is now the worst recession since the Great Depression. And it will get worse if they do not act to save jobs.

So, we need to put the one cent sales tax increase FEA has been proposing into perspective:

**A teacher with a spouse and 2 children who earns \$50,000 annually would pay an additional \$2.42 per week in sales tax.**

**Meanwhile, this same sales tax increase will prevent the reduction of education and extracurricular programs for students and will stop layoffs of teachers, higher education faculty and education support personnel.**

Do you think Floridians would be willing to save jobs by giving up less than the cost of a cup of coffee at Starbucks? Do our elected leaders think our children’s future is worth that much? That is the \$2.6 billion question.

## Week two of the 2009 Legislative Session:

[Revenue and Budget: Outlook Continues to be Grim](#)

[Class Size Revision Bills Pass First Committees](#)

[Update on American Recovery and Reinvestment Act \(ARRA\) – Federal Stimulus](#)

[National Board Certified Teacher Program Topic of Committee Workshop](#)

[“Secret Ballot” Amendment Passes Committee](#)

[Local Lobbyists in Tallahassee](#)

## Revenue and Budget: Outlook Continues to be Grim

Today, the Revenue Estimating Conference (REC) is in session to review revenue collections and other economic data since the group's last meeting in November 2008. The consensus remains that Florida's economy is in a severe recession as tax collections, both sales tax and property tax, are down from the last reporting period. In fact, the declining revenue figures even reflect a decrease in revenue generated by the Florida Lottery. There is currently no bright spot in the state's economy and the general outlook is that this economic cycle has not yet hit bottom. We are likely to find this current recession running deeper and lasting longer than any of the previous forecasts estimated.

It appears the current year's deficit could exceed \$1.1 billion and next year the conference projects an additional deficit of \$2.3 billion. The projected total deficit for next year, including these revised projections, is likely to approach \$6 billion. It is also abundantly clear that the conference anticipates that these numbers could get worse and there is some concern among the members that cash reserves are beginning to be impacted.

Clearly, none of this news is positive for our state and the negative impacts on Florida's public education system and other vital services are sure to be felt by all of us in the coming months.

The REC did not attempt to factor in federal stimulus funds anticipated as a result of the American Recovery and Reinvestment Act (ARRA). At this time, the conference is unable to determine final funding amounts, potential arrival dates and pending utilization opportunities. Also, the REC did not forecast any additional revenues that could be raised by the Legislature during the session through the enactment of new taxes or the closing of tax exemptions.

Finally, keep in mind that Florida probably requires a waiver from the U.S. Department of Education in order to gain access to education related stimulus funding that is a part of the ARRA legislation.

While the report will demonstrate the further deterioration of Florida's economy, it also provides another opportunity to continue talking with the Governor and other legislative leaders about the need for additional revenue to be raised including the passage of HB731 and SB 2582 to raise the state's sales tax by one-cent for the next three years with the revenue directed to public schools, community colleges and universities.

## Class Size Revision Bills Pass First Committees

Besides the continuing gloomy speculation on the state budget - the big news this week was the passage of Senate and House versions of a Class Size Reduction Revision proposed amendment through the education policy committees.

House Joint Resolution (HJR) 919 by Rep. Will Weatherford (R-Wesley Chapel) and Senate Joint Resolution (SJR) 1828 by Stephen Wise (R-Jacksonville) were heard in the House Education PreK -12 Policy and the Senate PreK-12 Committees.

Currently, the constitution specifies the maximum number of students that can be assigned to each teacher in three grade groupings: prekindergarten through grade 3 (18 students), grades 4 through 8 (22 students), and grades 9 through 12 (25 students). The constitution requires the reduction of the average

number of students in each classroom by at least two students per year until the number of students per classroom does not exceed the maximum allowed.

The big rub, school districts contend, has been the notion that if a “19<sup>th</sup> child” (referring to the kindergarten through grade 3 student grouping) joins a classroom part way through the year classes will have to be divided and students moved around to keep in compliance with the constitution. Nobody would want to have kindergarteners torn from their teacher and classmates - that was never the intention of the original class size amendment.

The truth is the folks opposing the class size amendment from the start did not want to: 1) be forced to spend the money on schools 2) be held accountable for compliance.

Weatherford’s bill would change the way the class size compliance is calculated beginning with the 2010-2011 school year:

- For prekindergarten through grade 3, the maximum number of students that could be assigned to each teacher in an individual classroom is raised from 18 to 21, but the school level average cannot exceed 18 students.
- For grades 4 through 8, the maximum number of students that could be assigned to each teacher in an individual classroom is raised from 22 to 27, but the school level average cannot exceed 22 students.
- For grades 9 through 12, the maximum number of students that could be assigned to each teacher in an individual classroom is raised from 25 to 30, but the school level average cannot exceed 25 students.

Weatherford’s bill requires the Legislature to provide sufficient funds to maintain the average number of students required in each classroom.

HJR 919 passed by a 10 to 3 vote (one Democrat voting yes: Mia Jones (D-Jacksonville). Voting no were Representatives Bullard (D-Miami), Kiar (D-Parkland) and Kriseman (D-St. Petersburg).

The Senate version - SB 1828 by Sen. Stephen Wise (R-Jacksonville) - also establishes that class size compliance would be calculated by the school level average number of students by the following grade categories

- Prekindergarten through the 3rd grade, 18 students;
- 4th grade through the 8th grade, 22 students; and
- 9th grade through the 12th grade, 25 students.

However, Wise’s bill maintains an absolute maximum number of students who may be assigned to a teacher in an individual classroom as follows:

- 21 students in prekindergarten through grade 3; and
- 27 students in grades 4 through 8.

The Wise bill also:

- Retain the application of the class size amendment to core-curricula classes;
- Repeal the requirement for funding annual reductions to class size to achieve the maximum constitutional class size limits; and
- Provide that the constitutional class size requirements do not apply to virtual classes.

SJR 1828 passed the committee on a vote of 6 to 1 – with Senator Frederica Wilson (D-Miami) casting the only no vote.

Both bills have a few more stops before coming to a vote by the full House and Senate. Also, a joint resolution must pass by a three-fifths vote of the entire membership of each house of the Legislature. . If it passes both House and Senate, the proposed amendment will go on a ballot for voters to decide. Approval requires a favorable vote from 60 percent or more of the votes cast on the amendment.

Wise’s bill specifies that this proposed amendment would be placed on the ballot at the next general election.

According to Senate staff, the Legislature has appropriated \$10,426,329,653 in the Class Size Reduction categorical for operations and \$2,533,400,000 for facilities funding for the Classrooms for Kids program.

*In addition to public testimony by FEA President Andy Ford on the bill, we’d like to thank United Teachers of Dade lobbyist Joe Minor and Broward Teachers Union’s Bernie for their testimony.*

## **Update on American Recovery and Reinvestment Act (ARRA) – Federal Stimulus**

ARRA provides over \$105 billion for education related programs that are generally available in 2009-10 and 2010-11. Title I and Special Education Funds amount to \$13 billion and \$12.2 billion respectively. The State Fiscal Stabilization Fund is funded at \$53.6 billion which includes the \$39.5 billion Education Fund. The Education Fund can be used for the support of elementary, secondary and postsecondary education and, as applicable, early childhood education programs and services.

Florida is allocated \$2.2 billion to be used over the 2009-10 (FY 10) and 2010-11 (FY 11) budget years from the Education Fund. The Act says that the Governor (of the state) shall first use the funds “to provide the amount of funds, through the State’s primary elementary and secondary funding formulae.” Funds are also provided for higher education formula programs.

First, the State must maintain spending (Maintenance of Effort) for each of Fiscal Years 2009, 2010, and 2011 at least at FY 06 level. The Secretary of Education may waive or modify the requirement for each of those years.

Just this week, more guidance from the U.S. Department of Education came out regarding stimulus funds and more specifically the State Fiscal Stabilization Fund. The use of ARRA funds is guided by the following principles of ARRA.

- **Spend funds quickly to save and create jobs.**
- **Improve student achievement through school improvement and reform.**
- **Ensure transparency, reporting and accountability.**
- **Invest one-time ARRA funds thoughtfully to minimize the “funding cliff.”**

The “funding cliff” means that the funds are temporary and “should be invested in ways that do not result in unsustainable continuing commitments after the funding expires.”

For the State Fiscal Stabilization Fund, applications for the initial 67 percent of funds will be available to Governors by the end of March, and funds will be made available by the Department within two weeks after receipt of an approvable application. The Department expects to make available the remainder of the funds during the period July 1 to September 30, 2009, conditioned on states providing additional information. If a state demonstrates that the amount of funds it will receive in phase one (67 percent of its total stabilization allocation) is insufficient to prevent the immediate layoff of personnel, the Department will award the state up to 90 percent of its allocation in phase one. In such cases, the remaining portion of the state's allocation will be provided after the Department approves the state's plan. In essence, the entire Education Funding portion of the State Fiscal Stabilization Fund could be allocated for FY 2009-10 or it could be divided between both FY 2009-10 and 2010-11. Some of the funding could even be used for this school year. Click on [www.ed.gov](http://www.ed.gov) for additional information.

## **National Board Certified Teacher Program Topic of Committee Workshop**

The House Pre-K 12 Appropriations Committee held a workshop this week to hear testimony about the Florida Excellent Teaching Program that provides bonuses to teacher who attains national board certification. The program has been cut 45% in the past 18 months and all education programs are under close scrutiny with the outlook of ever diminishing revenues.

The Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) presented their report on studies that addressed the learning gains achieved by national board teachers. While their report was mixed and downplayed the value of national certification, Peggy Brookins who is an FEA member in Marion County wowed the committee with informative information on national certification and her personal story on how national certification improved her teaching and impacted the academic growth of her students.

The National Board also presented actual research from Miami-Dade County where high school math students with national board teachers showed significant learning gains. Representative Anitere Flores, chair of the committee, complimented the presenters on their thoughtful and well prepared presentation. Flores has been critical of the program in the past.

## **"Secret Ballot" Amendment Passes Committee**

Currently there are two ways that workers can form a union: through a majority card sign-up process which the employer can 'voluntarily recognize' the union or through a secret ballot election. A bill in the U.S. Congress – the Employee Free Choice Act (EFCA) – could make it easier for employees to organize.

United Faculty of Florida-FSU President Jack Fiorito testified in front of the House Government Affairs committee that each year 20,000 employees lose their jobs because they took part in union organizing campaigns. Over the past decade, more and more road blocks have been created to discourage employees from organizing unions. But according to Representative Adam Hasner, (R-Delray Beach) his bill HJR1013 has nothing to do with organizing unions - but everything to do with secret ballots.

This week Representative Hasner presented his bill HJR 1013 *Guaranteeing the Secret Ballot* to the House Government Affairs Committee - figuratively waving the American flag and claiming that his bill would protect our right to secret ballots. He claimed his bill was not about nor did he want to discuss

the EFCA being considered in Congress. His bill, he insisted, is about our sacred and fundamental right to a secret ballot.

The truth is Hasner's proposed amendment to the state constitution is entirely about the EFCA. And, we must talk about the EFCA to make sense of his apparent urgent need to "protect" our right to a secret ballot. The fact is Florida's Constitution already protects the secret ballot relating to elections. It states "all elections by the people shall be by direct and secret vote." The constitutional requirement for a "direct and secret vote" was added in 1968.

But here's the real deal when it comes to Hasner's bill : The Florida Election Code defines the term "elections" and includes all addressed by House Joint Resolution (HJR) 1013 **except those related to designations or authorizations of employee representation.** So, there you have the impetus behind Hasner's HJR 1013. He wants to add employee representation as requiring a secret ballot.

Through a nationally coordinated effort, business groups - afraid that the passage of the EFCA will create a rush of unionization – are finding sponsors for these "Secret Ballot" bills. The strategy is to create obstacles to union organizing in each state via state constitutional amendment requiring secret ballots for authorizing employee representation. The bill passed out of the committee by a party line vote of 8 to 4- with all Democrats voting against the bill. Democratic Representatives Braynon (Miami Gardens), Heller (St. Petersburg), Skidmore (Boca Raton) and Fettermen (Port St. Lucie) all gave compelling debate opposing Hasner's bill.

United Faculty of Florida (UFF) Executive Director Ed Mitchell told the committee that UFF's experience was that 60% of all faculty generally sign cards supporting union, while under secret ballot 90% vote for unionization – although a smaller percentage of faculty vote in representation elections.

The bill has several more stops before it goes to the full House in session. Also it must be noted that a joint resolution must be approved by a three-fifths vote of the membership of each house of the Legislature. If it passes both House and Senate, the proposed amendment will go on the ballot for voters to decide on the November 2, 2010 general election. Approval requires a favorable vote from 60 percent or more of the votes cast on the amendment.

The Employee Free Choice Act, currently being debated in Congress, would enable working people to bargain for better benefits, wages and working conditions by restoring workers' freedom to choose for themselves whether to join a union. It would:

- Remove current obstacles to employees who want collective bargaining.
- Guarantee that workers who can choose collective bargaining are able to achieve a contract.
- Allow employees to form unions by signing cards authorizing union representation.
- Does not eliminate the secret ballot

To find out more about EFCA go to (go to [Employee Free Choice Act](http://www.aflcio.org/joinaunion/voiceatwork/efca/) or paste in your browser: <http://www.aflcio.org/joinaunion/voiceatwork/efca/>

## Local Lobbyists Visiting Tallahassee

Special THANK YOU to all of the local lobbyists who worked with us this week and last to help get the message out that our legislators must make our schools a priority:

Alachua, Broward, Broward Retired, Orange, Pinellas, St. Lucie, Miami Dade Retired and staff/leadership from Miami-Dade, Hillsborough and Duval! We couldn't do it without you.

*This report contains contributions from Bill Phillips and Marshall Ogletree. Thank you!*

*Questions? Call FEA Public Policy Advocacy at 850.224.2078*