

FEA Frontline Report

March 27, 2009

Quote of the week:

“Here we are again, talking about *raising the bar...* but we can’t get anybody to talk about paying the bar tab.”

— *Freshmen Rep. Dwight Bullard (D-Miami - and high school teacher) quipped to his colleagues on the House Education Policy Committee as they debated legislation (HB 1293) that would dramatically raise the bar in math and science courses for all high school students.*

In this issue:

[Senate rolls out public schools budget proposal](#)

[Corporate Tax Voucher bill passes committee](#)

[The old switcheroo – charter school bill becomes differentiated accountability bill](#)

[Public records exemption passes committee](#)

[Class Size Revision bill keeps moving along](#)

[“Secret Ballot” Amendment](#)

[Darts and Laurels](#)

[Local Lobbyists in Tallahassee](#)

[Visit FEA FrontlineTV for video of session highlights](#)

Week four of the 2009 legislative session

The best characterization the Tallahassee shenanigans came from a reporter who wrote that these folks up here are “talking crazy talk.” That pretty much sums it up. The House is dancing around the issues by trotting out all kinds of ill-conceived proposals while telling folks to tighten their belts another notch and limp through the recession. And the Senate is putting a toe in the water to gage the temperature of the electorate.

The House has put the word out that bills that haven't had their first hearing by Friday (March 27) will no longer be considered this session. It is a little posturing game they play with the Senate. Actually, they can pretty much do what they want according to their rules. If someone really wants their bills heard, they will find a way – at least if you are a powerful Republican in a leadership role. So next week the House will not be – allegedly – hearing any bills that have not been heard in committee.

The Senate, via Sen. Stephen Wise (R-Jacksonville), began to publicly float their proposal to meld the class size revision proposal to the penny tax for education proposal. The House has steadfastly

maintained a no new tax mantra. It is anyone's guess at this point whether or not this idea will seep into their collective brain as one that might help get Florida out of this mess they made.

But Rep. Anitere Flores (R-Miami) chair of the House PreK-12 Appropriations Committee and Majority Leader Adam Hasner (R-Delray Beach) continued to maintain that tax increases are not part of the Republican plan to rescue Florida's economy. So...what is your plan, Rep. Hasner and Rep. Flores? We sure would like to hear it. So far the Republican led Senate is the only body floating any ideas to raise revenue and keep jobs. Stay tuned for the continuing saga of *Legislature Fiddles as Florida Burns*.

Senate rolls out public schools budget proposal

Keep in mind as you read the following that it is still early in the budget creation process. The Senate rolled out a budget this week that some consider wishful thinking. The House is expected to roll out a much gloomier budget soon. Then both houses will debate and banter, twist and turn, and then send it all to Conference Committees to hammer the reality into it... or out of it.

The Senate proposed a \$17.89 billion K-12 education budget for 2009-10 propped up by federal stimulus money and gaming revenue this week. The federal stimulus money is contingent upon Florida receiving an expected waiver from the U.S. Department of Education. The gaming money depends upon the Senate and House reaching an agreement.

The overall funding in the Senate's proposal is \$6860 per student... the same as current year funding. However, the Senate is counting some funding as part of the Florida Education Finance Program (FEFP) that has not previously been counted in the FEFP – which means overall funding will be less than the current year.

For example, the national board funding previously outside the formula was placed inside the formula and combined with the Merit Award Program funds. These funds can be used for MAP, national board or any purpose determined by the school board. Transportation funding is \$38 million less with no change in transportation policy. Instructional materials are funded at a level \$64 million below the current appropriation.

The good news is the Senate is using \$865.5 million, one-half of the available federal stimulus funds (ARRA), to enhance the funding formula. The House committee has also announced they will use that amount in their bill but are not as far along as the Senate in their proposal.

The committees will continue budget work next week and we will have a better sense of the shortfall in their budgets. It is certainly the time to continue advocating the need for our penny sales tax proposal in order to fill the budget hole and to prepare for replacing stimulus funding when it is gone.

The following link will take you to the Senate's budget proposal:

http://www.flsenate.gov/data/committees/Senate/meeting_packets/EA.pdf

Corporate Tax voucher bill passes committee

The Senate PreK-12 Committee passed **SB 1310 Tax Credits/Nonprofit Scholarship-funding Organizations** by Sen. Andy Gardiner (R-Orlando) by a party-line vote of 5 to 3. Senators voting against

this bad bill were Senators Wilson (Miami), Bullard (Miami), and Sobel (Hallendale Beach). Senators voting for the bill were Detert (Venice), Constantine (Altamonte Springs), Gaetz (Ft. Walton Beach), Storms (Brandon) and Wise (Jacksonville).

This bill does not increase the \$118 million cap but it does expand the source of tax credits to the insurance premium tax.

As you may recall, the current Corporate Tax Credit (CTC) program allows corporations to donate up to 75% of the taxes they owe to the state to organizations that fund scholarships to private and religious schools. The proposed change would expand that option to insurance companies who would rather contribute their tax money to vouchers for private and religious schools rather than pay it to the state.

Proponents of the program contend that it saves the state money – the difference between the per pupil state expenditure of about \$6,800 versus the voucher of \$3,950. It is currently estimated that 23,000 students participate in the CTC voucher program.

FEA opposes any expansion of the program and demands that private schools accepting these vouchers be held to the same accountability standards and transparency required of public schools.

Note: last year the legislature increased the \$88 million maximum tax credit to \$118 million annually and increased the maximum scholarship award amount from \$3,750 to \$3,950 for Fiscal Year (FY) 2008-2009. Thereafter the maximum scholarship award amount will be 60% of the statewide average total funds per unweighted full-time equivalent (FTE) student funding provided in the Florida Education Finance Program (FEFP) for that school year.

The old switcheroo – charter school bill becomes differentiated accountability bill

CS/HB 991 Charter Schools ... or wait...that should be School Improvement and Education Accountability by Rep. Tom Grady (R- Naples). This bill passed the House PreK-12 Education Committee by a vote of 12 to 1 —but we’re pretty sure most of the committee members had no idea what was really in this bill. There are many questions yet to be answered as we plow through the potential implications of this legislation.

Here’s what happened: the bill began as a way to give the nearly defunct charter school promoting “Schools of Excellence Commission” a new mission. However, just hours before the meeting the bill was replaced through a “committee substitute” amendment process — creating all new language that had nothing to do with charter schools. Everyone was scrambling to read and analyze the bill before the committee hearing.

If this bill passes as it is currently written, one student can make the difference in a letter grade for an entire school.

The Committee Substitute (CS) for HB 991 would put into law the state's differentiated accountability plan, which currently is simply a DOE rule. It would **overhaul the state's school grading system**, forcing schools to pay even more attention to the gains made by each demographic group than they already do. CS/HB 991 would, according to the House staff analysis, “align the state and federal school improvement and accountability laws” by:

- Extending the federal accountability requirements to *all* public schools in the state.

- Specifying that the State Board of Education (SBE) is responsible for public school improvement and accountability.
- Requiring the Department of Education (DOE) to categorize public schools annually based on a school's grade and the level of student performance and target schools with intervention and support strategies.
- Requiring the DOE to create a matrix that reflects which intervention and support strategies are applied to the lowest performing schools.
- Specifying that for a school identified in the low performing category, the school district must implement one of the following options:
 - Convert the school to a district-managed turnaround school
 - Reassign students to another school and monitor the progress of the reassigned students
 - Close the school and authorize a sponsor to reopen the school as a charter school or multiple charter schools, or
 - Contract with an outside entity to operate the school.
- Listing options that the SBE may use to enforce school improvement and accountability in the public schools.
- Requiring that the performance of disaggregated student subgroups on assessments be included in student achievement scores used to calculate school grades by the 2010-2011 school year.

We have to wonder why — with the fate of No Child Left Behind up in the air and the state budget crisis looming — do they want to change the law now? Based on the proposed model, the majority of highly rated secondary Florida public schools would most likely be graded “F”.

The proposal could:

- Greatly and unequally impact diverse schools that have all subgroups
- Advantage schools with less diversity
- Assume schools not failing are addressing the needs of the students when in fact this system masks the performance of schools with minimal subgroups
- Result in ranking schools by socioeconomic status.

Rep. Will Weatherford (R-Wesley Chapel) offered this explanation: "Even in bad economic times we should not assume the status quo is the best way to do things," Weatherford said. "You're never not reforming education. The minute you stop is the minute you fall behind." This bill will only add to the already chaotic situation for students, parents, teachers, administrators and support staff.

No Senate version exists at this time – but there are plenty of “shell bills” (basically place holder bills that are filed in the Senate without language) that could be transformed overnight.

Public records exemption passes committee

HB 409 *Pub. Rec./Personal Identifying & Health Information/Public Educational Institution Employees* by Rep. Mia Jones (D-Jacksonville) passed the House governmental Affairs Committee unanimously this week. As you recall a copy salesman from Lakeland requested information from the Polk County School Board relating to districts health insurance policy which included the name, address, gender, age, title and telephone number of all district employees and their dependents covered under the policy. This bill was created as a result of the controversy over that request.

Current law does exempt certain identifying and location information of police officers, child protective service investigators, firefighters, judges, and attorneys from public record requests. The exemptions also protect identification and location information regarding the spouses and children of those employees. There is, however, no such exemption for current or former employees of public education.

The bill creates a public record exemption for current and former employees of the state system of public education. Personal identifying information of public education employees would be confidential and exempt from public records requirements. In addition, personal health information of such employee would also be confidential and exempt. The bill does allow for confidential and exempt personal identifying information to be disclosed to collective bargaining agents representing employees in the performance of their statutory duties.

The next stop for this bill was scheduled to be the House PreK-12 Policy Committee but it is unclear at this time whether or not that committee will meet again during this legislative session.

Class Size Revision bill keeps moving along

HJR 919 Revision of the Class Size Requirements for Public Schools by Rep. Will Weatherford (R-Wesley Chapel) would to amend the State Constitution class size requirements for public schools to be based on average number of students at school level, rather than on maximum number of students assigned to a classroom.

If passed by the voters, beginning with the 2010-2011 school year, the joint resolution changes the way that class size compliance is calculated as follows:

- 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.*

The next stop for this bill is the Rules and Calendar Council before it can go to the full House membership in session. FEA continues to oppose changes to the current class size constitutional requirements. The Senate version is SJR 1828 by Sen. Stephen Wise (R-Jacksonville) is moving a little slower through the Senate due to their consideration of adding a one cent sales tax dedicated to public schools provision to the proposed amendment.

21st Century Diploma Initiative passes another committee

CS/HB 1293 High School Graduation by Fresen (R-Miami) passed out of House Prek-12 Appropriations Committee by a vote of 5 to 3. The bill has gotten a full head of steam and is rolling through committees after getting the support of the Chamber of Commerce and the business community. Certainly more rigor in math and science is a worthy discussion. And that is what it should be - a discussion with planning and research.

But if you are the school district this bill spells trouble. One mid-sized district said they would have to hire an additional 200 teachers right now to accomplish all the goals of the bill. Certainly needing more teachers is not something FEA would object to – but at a time when we are looking at layoffs and cutting programs how can Fresen and his bill co-sponsors think this is an appropriate action. Districts are looking at filling budget holes – not making them bigger.

The bill will be heard by the Full House Appropriations Council Education and Economic Development Appropriations Council on Tuesday, March 31. The Senate version 2654 by Altman has not yet been heard in committee.

“Secret ballot” amendment begins to move through Senate

SJR 1908 *Guaranteeing the Right to Vote by Secret Ballot* by Senator Garrett Richter (R-Naples) passed through the Senate Judiciary Committee by a 5 to 3 vote - once again along party lines with Democrats voting no.

As you recall there are two ways that workers can form a union: through a majority card sign-up process that 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. SJR 1908 and HJR 1013 are designed to foil a potential pro-union change in federal labor law. The amendment would require secret ballot elections among workers to decide if they want to form a union.

The next stop for the Senate version will be the Senate Transportation and Economic Development Appropriations Committee.

Darts and Laurels

We’ve decided to add another feature to the Frontline: Darts and Laurels. When we witness someone doing something good – or bad – during the legislative session we’ll include it right here. That way you’ll know when to give your legislator kudos for a job well done – or when to give them a piece of your mind!

Our first Laurel goes to Senator Thad Altman (R- Melbourne) who chairs the powerful Finance and Tax Committee in the Senate. Senator Altman has ignored the loud chest pounding and “No New Taxes” chants coming from members of the House, and guided his Senate committee through a systematic review of potential revenue sources. Senator Altman has promised consideration of additional cigarette taxes, increases in documentary stamps and revisions to Florida’s corporate income tax code in an effort to find additional revenues to fund vital state services including public schools. Senator Altman represents portions of Brevard, Orange and Seminole counties.

Darts to representatives of the Florida Association of District School Superintendents who testified before the Senate K-12 Education Committee that teacher review is a “tedious and arduous process” that took administrators “away from their offices for long periods of time.” The Legislature is contemplating a bill that would extend the annual contract requirement to 10 years from the current five. We must give Senate Education Committee Chair Nancy Detert a Laurel for her attempt to get to the truth about teacher review in calling for the presentation. But she was not amused and asked if the Superintendents Association had ever proposed legislation to improve the system...to which they responded, “No.” Perhaps they consider that a “tedious and arduous process” as well....

Member lobbyists visiting Tallahassee

This week Okaloosa, Pasco, Pinellas and Volusia counties joined us in Tallahassee to lobby and watch the antics of the legislative process. Thank you for all your hard work this week!

Visit FEA FrontlineTV for video of session highlights:

http://www.associationstudios.com/Publisher_Main.aspx?PublisherId=325

Questions? Call FEA Public Policy Advocacy at 850.224.2078

Thank you to Marshall Ogletree, Kevin Watson, Michael Monroe and Lynda Russell for their contributions to this report.