



Board Meeting: August 3, 2011

**SCHOOL DISTRICT OF PALM BEACH COUNTY  
BOARD AGENDA ITEM SUMMARY**

**2012 LEGISLATIVE PROPOSALS**

**I recommend that the School Board adopt the preliminary Legislative Proposals for the regular 2012 Florida Legislative session and for presentation to the Palm Beach County Legislative Delegation, other members of the Legislature, and to statewide education organizations for support.**

- Proposed legislative priorities are being submitted at this time in order to provide input to various organizations such as the Florida School Boards Association (FSBA), Greater Florida School Boards Consortium (GFSBC), the Florida Association of District School Superintendents, the Florida Association of School Administrators and the informal Treasure Coast workgroup.
- The preliminary list of recommended priority issues is based on a review of the 2011 Legislative session. There are six proposed “Top Priority Issues.” These recommendations may be modified or augmented at any future time as desired by the School Board up to and during the 2012 regular legislative session which begins January 10, 2012, and lasts 60 calendar days through March 9, 2012. These issues can be continued or modified in the event of any subsequent special session.
- This list, along with any subsequent new proposals or changes, will be submitted to the Palm Beach County Legislative Delegation. A joint meeting is currently scheduled for October 12, 2011. These proposals will also be sent to the Governor, House Speaker, Senate President and legislators serving on committees having a direct bearing on Prek-12 education.

**Board Goals:** Goals 1-8  
**Board Action:** Approval  
**Contacts:** E. Wayne Gent and Vernon A. Pickup-Crawford

**FINANCIAL IMPACT** - Financial impact will be determined after completion of the 2012 Legislature.

**Preliminary 2012 State Legislative Proposals and Issues**  
**School Board of Palm Beach County, Florida**  
**August 3, 2011 (Adopted)**

**Top Priority Issues**

**I. Florida Education Finance Program (FEFP)**

Florida school districts have experienced dramatic funding reductions over the past four years. Since the start of the 2007-08 school year, Florida Education Finance Program (FEFP) funding per student has fallen from its high point of \$7,307.90 to \$6,262.22 for FY2012 (these figures represent state average). This represents a reduction of \$1,045.68 per student or 14.3% over the four year period. During this same period, local school boards have had their capital outlay millage authority reduced by 25% from 2.000 mills to 1.500 mills. The impact of this reduction in millage authority is compounded by the decline in school taxable value over the last four years. Florida's school taxable value has fallen \$439 billion or 24% since July, 2007. The 0.500 mill reduction in capital outlay millage authority coupled with the decline in school taxable value equates to a 43% reduction in potential capital revenue. Despite the extreme losses of both operating and capital revenue, school districts were required to add teachers and classrooms during this same period in order to comply with class size requirements that ratcheted up from school-wide averages to class-by-class hard caps in core subject areas.

Second, school districts were directed by the Governor and 2011 Legislature to reserve Federal Education Jobs Funds (EJF) awarded in September of 2010 for FY2012. Further, both the Governor and Legislature recognized \$554 million in Education Job Funds in their presentations of the FY2012 budget. It is imperative that the Florida Legislature find means by which to compensate for the loss of these federal in the 2012 Legislative Session. The state has a moral and ethical imperative to meet its constitutional requirement of Article IX, Section I, of adequate funding for all children and free public schools.

Third, the Legislature used a new 3% employee contribution to the Florida Retirement System (FRS) to reduce employer contribution rates and save school districts an estimated \$859 million statewide. That "savings" was then to be used along with the Edujobs funds to offset the statewide cut of 7.96% (8.06% for Palm Beach) in recurring state and local FEFP funds. The 7.96% reduction in total potential funding reduced per student funding by \$542.03 for FY2012 statewide (\$566.84 for Palm Beach). The changes to the FRS saved school districts approximately \$320 per student for FY2012 (\$316 for Palm Beach). However, the 3% add-on for employees comes at a time when pay raises are nearly non-existent and in some counties where pay cuts occurred in addition to this new employee cost.

While the School Board supports the legislative recommendations of the Florida School Boards Association and the Greater Florida Consortium of School Boards, the funding issues of keen interest to the school district include:

- A. Guarantee, minimally, the same dollars per FTE in total potential funds for FY 2013, adjusted to include the \$554 million in Edujobs funds, that are appropriated for FY 2012 and provide an increase equal at least to the Consumer Price Index/Urban (1.8%). Any new requirements involving curriculum, assessment, facilities or personnel should be funded above and beyond this maintenance level.
- B. Continue the flexibility to use local capital millage revenue to pay property and casualty insurance premiums; allow such revenue to cover the cost of technology software required to run the equipment purchased from capital dollars, especially instructional systems.
- C. Restore the local capital outlay millage authority to 1.75 mills **and** allow the levy of the additional critical needs .25 mill without referendum, returning the full 2.0 mill authority back to school districts that has been provided since 1980.
- D. Fully fund Class Size Reduction (CSR) pursuant to the constitutional amendment, but not at the expense of the basic FEFP. For FY2012, CSR categorical funding of \$2.9 billion is 43% less than the \$5.1 billion annual categorical DOE estimated would be needed to fund CSR in November, 2006. Recent legislative changes have provided more flexibility, but the actual cost of full CSR compliance greatly exceeds current funding. To implement CSR properly without sacrificing other student programs and services, CSR categorical funding must be increased by 32% or \$923 million for FY2013. This figure does not include the adjustment necessary to address increased student enrollment and CPI increase.
- E. Freeze any further FRS employee rate increases and, preferably, reduce the 3% as July, 2011 state reports show state FRS trust funds are in much better condition than earlier projected and the full 3% may have been unnecessary during these economic conditions.
- F. Fund the second year of a three-year commitment to implement the 2006 Florida Department of Education performance-based funding formula for Post Secondary Adult Vocational (PSAV) and Adult Basic/GED Education programs.
- G. Return the rate of local property tax roll collections from 96% to 95% for purposes of FEFP calculations, especially during a period of continuing tax roll declines statewide.
- H. Oppose further equalization of the Local Discretionary Millage until the basic education program is adequately funded.
- I. Restore the program weights for exceptional student education (ESE), English Speakers of Other Languages (ESOL), and all secondary school career education programs to pre-2001 levels.

- J. Restore funding for Safe Schools, Transportation, Exceptional Student Education guarantee, Instructional Materials, and Supplemental Academic Instruction to 2007 levels; maintain option giving districts flexible use should revenue shortfalls continue to occur into FY13.
- K. Allow virtual education reporting of FTE in all reporting periods for total 12 month FTE limit of 1.0 and open virtual enrollment to any Florida student entering kindergarten.
- L. Identify alternative revenue sources including efforts to enforce the existing state sales tax to all Internet sales made in Florida, thus providing tax equity for in-state business operators;

## **II. Curriculum, Instruction and Assessment**

- A. Have the statewide testing program for accountability align with college/career success. The measures from the program would include learning gains toward proficiency and percent of students on track for college/career success, as well as meeting college/career success. The measures would occur multiple times during the year. In addition, the statewide testing program would provide all districts with formative and interim assessments that are aligned to the statewide testing program for accountability and that are at the option and discretion of each district to use. Require publishers to provide vetted item banks that contain items aligned to the statewide testing program for accountability. Provide teachers with a method of accessing the items so that the teachers can develop their own assessments;
- B. Have end-of-course (EOC) exams count as a percent, not to exceed 30%, of a course grade rather than the pass-fail "mini-FCAT" requirement set forth in SB4 (2010 session); allow for frequent EOC retakes rather than once a semester; maintain waivers for those in exceptional student education programs as indicated in an individual education plan (IEP);
- C. Provide for statewide articulation agreements for school districts, community colleges and universities so that dual enrollment credit will transfer to all state high education institutions;
- D. Restore career education funding for middle schools and restore 1998-99 high school cost factors.
- E. Provide for completion of technological infrastructure (internet/hardware connectivity) within and among districts and the state for equitable access to virtual learning and online resources;
- F. Return to the original standards for Voluntary Pre-Kindergarten (VPK) standards, i.e., the ratio of two teachers for 18 students. The same high quality standards should apply to both private and school district providers;

- G. Close the funding loophole by non-district schools who keep a student enrolled in their school (ESE, charter, etc.) long enough to receive FTE funding, then dismiss the student from the school which results in the district receiving the student back with no state funding.
- H. Allow use of FEFP instructional materials dollars to be used for teacher curriculum writing teams to develop and use local materials equally or better suited to meeting state standards in lieu of off-the-shelf-or-internet materials as well as to meet unfunded state mandates for various curricular programs such as African and African-American studies.

### **III. Mandates**

The School Board implores the 2012 legislature to put a moratorium on **any** additional mandates of **any** kind. Districts have faced a nearly 16% reduction in state/local total potential dollars since 2008, plus passage of legislative mandates including end-of-course exams, teacher accountability and performance pay, differentiated accountability, digital and virtual instruction, African and African-American history and culture, charter school oversight, fiscal controls and financial transparency. Districts need time to focus on current requirements without more being added.

### **IV. Governance**

- A. Reinstate the equivalent of the 1999-2010 Charter School District authority for Palm Beach by allowing any school district the authority to have specific statutes waived by the Governor or State Board of Education that are not in conflict with life-safety or other federal requirements and which can be demonstrated by the Board as ineffective or extraneous to improving student performance.
- B. Abolish s.1001.42(4)(f), F.S., requiring the first day of the school year to be no more than 14 days before Labor Day of each year.
- C. Oppose any efforts to limit or impede Constitutional duties, authority, or salary schedule of local school boards.
- D. Apply a cost of construction index, similar to the District Cost Differential, to the cost of per pupil station cap so that districts experiencing higher construction costs are not unfairly penalized by a one-size-fits-all cap. Any penalties from FY10 forward should be waived until this index is implemented.
- E. Allow school districts to contract for their own trash hauling rather than be forced to pay higher rates under local government ordinances and contracts.
- F. Support clarification of s.1001.421, F.S., concerning gifts by vendors to school board members that defines family "members" as immediate family and vendors as those who currently or have in the past two years done business with the school district.

## **V. Human Resources**

The district will closely monitor the state implementation of the Student Success Act (SB736, 2011) on teacher/administrator performance and teacher contracts. Given the lack of any state or sizeable school district in the U.S. that has had a successful program in place, it is imperative that local districts have flexibility and additional funding to negotiate performance and differentiated pay plans that meet local educational, not state political, needs. Palm Beach County is committed to the requirement that any state plan or proposed model on performance pay must involve and have the concurrence of all stakeholders.

The School Board may have additional recommendations as state and local implementation progresses during FY12.

## **VI. Student Scholarships or Vouchers**

A. The school district strongly opposes any voucher program:

1. that does not include the same level of student and educator accountability as currently required for public schools in chapters 1000-1013, F.S., and
2. until funding for public school students is returned to 2006-2007 levels per total potential Full Time Equivalent (FTE) student.

B. The district has significant concerns over school choice and open enrollment programs involving public schools as long as state requirements on facility capacity, local agreements on school concurrency, and student transportation (and its lack of adequate funding) remain in place.

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