



School Board Meeting: August 13 2007

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

CONSIDER PRELIMINARY 2009 LEGISLATIVE PROPOSALS

I recommend that the School Board adopt preliminary Legislative Proposals for the regular 2008 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) and Treasure Coast Workgroup.
- ✓ The preliminary list of recommended priority issues is based on a review of the 2008 Legislative session; Because of a number of proposed constitutional amendments (5, 7, 9 in particular), it is anticipated that further review of issues will be needed and considered by the School Board following the November 7th general election. At that time, these recommendations will be modified and based on input from district staff, and various local and statewide organizations.
- ✓ There are three proposed "Top Priority Issues" that are listed first. These are followed by "Position Statements on Other Issues" that express a position the district would have should the issue arise during the session. These priorities and positions may be modified or augmented at any future time as desired by the School Board up to and during the 2009 regular legislative session which begins March 3, 2009, and lasts 60 calendar days.
- ✓ Proposals adopted at this School Board meeting will be submitted formally to the Florida School Boards Association, Greater Florida School Boards Consortium, Treasure Coast school districts, and Florida Association of District School Superintendents for consideration. They will also be submitted to all other School Boards and appropriate state organizations for consideration of endorsement and support.

Further, they will serve as the basis for initial review as part of the joint School Board-Palm Beach County Legislative Delegation meeting to be scheduled within the next few weeks.

- ✓ "Talking Points" will be provided for each priority adopted by the School Board for use by members and staff locally and statewide.

Board Goals: Goals 1-8
Board Action: Approval
Contacts: Joseph Moore and Vernon A. Pickup-Crawford

FINANCIAL IMPACT - Financial impact will be determined after completion of the 2009 Legislature.

Preliminary 2009 State Legislative Proposals and Issues
School Board of Palm Beach County, Florida
August 13, 2008
(amended September 24, 2008)

Top Priority Issues

I. Florida Education Finance Program (FEFP)

Florida school districts underwent an unprecedented two-consecutive years of revenue reductions caused by sharply declining sales and other state taxes plus lottery dollars. The state's Florida Education Finance Program is now majority-funded by local property taxes (51-49% ratio) for the first time in its 36-year history . State dollars have been used to implement class size reduction, but daily operations and the Base Student Allocation have been funded increasingly through local property tax dollars levied as part of 'Required Local Effort" by the Legislature.

Florida's Education Commissioner has already advised districts to prepare for yet another 2% cut in December, 2008.

Regardless of budget constraints, it is imperative that the Florida Legislature—move Florida from the nation's bottom quartile (38th at best according to Education Week and 50th at worst by US Census as percent of personal income) so that the state will meet its constitutional mandate of Article IX, Section I, of adequate funding for all children and free public schools.

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:

- Guarantee, minimally, the same dollars per FTE in total potential funds for FY 2010 that are appropriated for FY 2008.
- Restore the full optional 2.00 mill levy for capital purposes and continue the flexibility to use 2-mill revenue to pay property and casualty insurance premiums.
- Lower the current 90 percent cap of local tax dollars to state dollars within the Florida Education Funding Program (FEFP) to 80%, and reject moving categoricals into the base FEFP.
- Give school boards the option of levying up to .51 of Local Discretionary Millage (LDM) and oppose further equalization of the LDM until the basic education program is adequately funded.

- 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.
- Continue to fully fund Class Size Reduction (CSR), pursuant to the constitutional amendment, but not at the expense of the basic FEFP, and delay the implementation for one more year which will adhere to the deadline stipulated in the amendment.

Provide full state funding for the cost of building additional schools and classrooms to meet the state's responsibility under the current class size reduction amendment and distribute the funds based on the districts' utilization needs.

Adjust the statutory language to maintain the Class Size Reduction at the current school average which allows flexibility when an additional 19th, 23rd or 26th student shows up in a core content class.

- Increase funding for Safe Schools, Transportation, Instructional Materials, and Supplemental Academic Instruction to accommodate higher enrollment and higher costs, and maintain these programs as categorical.
- Conduct an impartial third-party study of the Florida Price Level Index to reflect the cost of housing, insurance, and transportation costs rather than wages.
- Extend the voter-approved operating millage authority from four (4) years to ten (10) years.

II. Curriculum, Instruction and Assessment

- a. Abolish school grades and move FCAT assessment to a true learning gains measurement system rather than a static exam. Implement 2006 Legislative (HB7087) intent to use verifiable alternative assessments measures as an alternative to FCAT in measuring and rating student progress by individual student, teacher, school and district for annual learning gains. Of particular note is diagnosing, monitoring, and measuring student annual learning gains during the same school year. Such assessment shall have a concordance equivalency of FCAT scoring levels. Require publishers to share FCAT test item banks when requested by other districts.
- b. 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; and

- c. Restore career education funding for middle schools and restore 1998-99 high school cost factors; reinstate funding for the 7th period day in order for students to meet the intent of A++ (HB7087) legislation passed in 2006.

III. Unfunded Mandates

- a. New Mandates: Oppose any unfunded mandates or mandates where money would be taken from other existing programs;
- b. Existing Mandates: Provide full funding for all existing mandates. such as:
 - i. the cost of building or modifying public schools as emergency shelters when designated by the state;
 - ii. The cost of implementing curriculum and monitoring student progress In programs such as Just Read Florida!, African and African-American studies and the Holocaust;
 - iii. The cost of student transportation, especially to meet legislative intent for school choice; and
 - iv. Instances when state and federal funds do not cover mandated services for exceptional student education (ESE) pupils and local revenues must be used to make up the difference.

Position Statements on Other Issues (if and when the issue may arise)

IV. Governance

- a. Reinstate ability by the Governor or Education Commissioner to waive any statute, except for life safety, upon request of a local school board. Such waivers may be valid for a period not to exceed three years;
- b. Oppose any effort to subvert or by-pass the constitutional authority of school boards or superintendents, including creation of sub-school districts without school board approval, changing selection of school board members from elected to appointed, eliminating school board member salaries as constitutional officers, or requiring term limits for school board members;
- c. Oppose any constitutional amendment that would be based on a population act to subdivide counties into multiple school districts;
- d. Oppose any claims bill legislation that is not part of an agreed to settlement by the School Board;
- e. Oppose mandatory percentages of funding for instruction without accompanying increases in state aid or abolishment of statutes dictating operational functions; and
- f. Remove school districts as fiscal agents and from any other responsibility or obligation for charter schools approved by the "Schools of Excellence" Commission; and
- g. Clarify s.1002.33(8)(d), F.S., to exempt school districts from the provisions of the Administrative Procedures Act (Chapter 120, F.S.) when immediately terminating a charter school for the "good cause" reasons spelled out in that paragraph.

V. Curriculum, Instruction and Assessment

- a. Require parents wishing to place their students in any state scholarship (A+, McKay, Corporate Income Tax) to notify the district by June 1st of the preceding year;
- b. Raise accountability standards for all scholarship programs—A+ Plan, Corporate Income Tax, McKay, etc.—so that the same level of student and fiscal accountability “follows the dollar” as is currently required for public schools;
- c. Require the Commissioner of Education in writing to notify parents of McKay Scholarship recipients that McKay Scholarship providers are not obligated to adhere to federal IDEA due process and IEP (Individual Education Plan) protection for students and parents and require the Commissioner to inform such parents of the IDEA protections and processes which they may be waiving;
- d. Assure implementation of curricular pathways for career education that provides for core course crossover credit between academic and career programs with such credit being recognized by higher education institutions; establish review of all secondary curricula for alignment to the 16 national US Department of Labor occupational clusters; and
- e. Remove worker’s compensation barrier precluding high school students from interning in certain industries, such as construction, and allow a school district-based responsibility, e.g., the current exception for Habitat for Humanity.

VI. Voluntary Pre-kindergarten Programs

- a. Fund a quality 180-day program with four (4) core hours of instruction over a six (6) hour day with quality instructors (e.g., certified supervising teachers and child development associates (CDA));
- b. Count Pre-K programs as capacity when determining school facility needs and utilization; and
- c. Allow local flexibility with local dollars by local agencies to supplement any state-funded program without penalty.

VII. Facilities

- a. Provide contractor sales tax exemption on materials/supplies used in school construction projects as cost savings to school districts;
- b. Clarify current law to assure that any charter school using public school as their facility shall be required to enroll a number of students at least 90% of the facility’s state-rated capacity;
- c. Clarify current law to assure school districts have absolute control over property and land that it owns;
- d. Reconcile conflicts in requirements for growth management (Concurrency, Chapters 163/1013, F.S.), school choice, class size reduction (SB30A) and educational facilities (Classroom size, capacity, use of re-locatable classrooms, etc., Chapter 1013, F.S.) into a seamless, non-conflicting policy for districts to follow and that clearly defines school districts as infrastructure, not developers;
- e. Return full authority to school districts for demolition or removal from campus of any facilities constructed with local dollars and institute a reasonable request policy

- to the state for facilities constructed with state funds that can supersede the FLDOE “Castaldi” life cycle rule;
- f. Allow School Districts to comply with one set of land development regulations for all schools being constructed in the County to ensure equity and to control the cost of construction, and
 - g. Fund costs for constructing or retrofitting schools as hurricane shelters which require portable power, potable water and increased protection against higher windspeeds;

VIII. Human Resources

- a. Extend general knowledge exam requirement from one year to full term of temporary certification;
- b. Eliminate the conflict between the statutes for personnel file and student records, i.e., the mandate that employees receiving student information which is part of an investigation/discovery to which the employee has the right to respond is maintained in confidence;
- c. Provide flexibility to local districts in implementation of “pay for performance” for teachers and other personnel so that performance may also be based on learning teams as well as individual teachers; and
- d. Modify Florida Retirement System (FRS) in one or more of the following ways:
 - i. Reduce calculation of retirement benefit from 5 to 3 “best years” average;
 - ii. Extend the 96-month DROP provision for instructional personnel to school administrators, at the option of the district;
 - iii. Extend re-employment of instructional personnel within one year of retirement to include school-based administrators, at the option of the district;
 - iv. Increase the FRS insurance supplement for retirees to reflect average annual increases in premium costs for state employees;
 - v. Eliminate the 5%/year age penalty for those retiring with fewer than 30 years under the age of 62.

For further information, contact:

Joseph Moore
Chief Operational Officer
(561) 434-8510
moorej@palmbeach.k12.fl.us

Vernon A. Pickup-Crawford
Consultant, Schoolhouse Consulting Group, Inc.
(561) 644-2439 (office/cell)
vacrawford@msn.com

Patricia O’Connell
Consultant, Capital City Consulting, LLP
(850) 222-9075
poconnell@capcityconsult.com
(8/13/08)