



School Board Meeting: August 12, 2009 (Adopted)

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

CONSIDER PRELIMINARY 2010 LEGISLATIVE PROPOSALS

I recommend that the School Board adopt preliminary Legislative Proposals for the regular 2010 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 2009 Legislative session; There are five 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 2010 regular legislative session which begins March 2, 2010, 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.

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 2010 State Legislative Proposals and Issues School Board of Palm Beach County, Florida August 12, 2008

Top Priority Issues

I. Florida Education Finance Program (FEFP)

Florida school districts underwent an unprecedented three-consecutive years of revenue reductions caused by sharply declining sales and other state taxes plus lottery dollars. For the second year in a row, the state's Florida Education Finance Program remains majority-funded by local property taxes (53-47% ratio, excluding federal stimulus dollars). 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.

Legislative use of Federal State Fiscal Stabilization Funds totalling \$907 million staved off a further reduction from the 2% reduction in January, 2009. The federal funds, however, will decrease in FY10 and totally end in 2011.

Regardless of budget constraints, it is imperative that the Florida Legislature_ find means by which to compensate for the loss of federal stimulus dollars in the 2010 Legislative Session. Florida already continues to be in the nation's bottom quartile for funding (38th at best according to Education Week and 50th at worst by US Census as percent of personal income). 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.

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 2011 that are appropriated for FY 2010 and provide an increase equal at least to the Consumer Price Index/Urban.
- 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 remove transportation and instructional materials categoricals from the base FEFP.

- Oppose further equalization of the Local Discretionary Millage 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 2010-class-level implementation pending a November, 2010 Constitutional Amendment to keep it at school-average as in current law:

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 penalty language to measure compliance from the October 3rd calculation to the February 4th calculation of FEFP funds so that districts are dealing with actual, not projected students.

- Restore funding for Safe Schools, Transportation, Instructional Materials, and Supplemental Academic Instruction to 2007 levels and provide districts with flexible use should revenue shortfalls continue to occur.
- Extend the voter-approved operating millage authority from four (4) years to ten (10) years and allow districts the option to use voter-approved sales tax levies for operating as well as capital purposes.
- 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.

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. 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 and HB991, Differentiated Accountability, passed in 2009.

III. Mandates - Funded and Unfunded

Until such time as state revenues (excluding local property taxes) meet the level of funding outlined in **I. FEFP**, above, oppose any and all additional mandates whether funded or unfunded. A program moratorium is essential if districts are to direct existing resources to the requirements already passed by the Florida Legislature.

IV. Governance

- a. Reauthorize the Charter School District authority for Palm Beach and other select districts through June, 2010;
- b. Reinstate the ability of the Governor or Education Commissioner to waive statutes, except for life safety, upon request of a local school board. Such waivers may be valid for a period not to exceed three years;

V. Instructional Performance Pay

Amend the Merit Award Program (MAP) to clearly allow for use of FEFP funds for performance pay of faculties and schools, recognizing the *team* approach in addition to individual performance.

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

VI. Governance

- a. Oppose any effort to subvert or by-pass the constitutional authority of school boards or superintendents without the approval of the local school boards.
- b. Oppose any constitutional amendment that would be based on a population act to subdivide counties into multiple school districts;
- c. Oppose any claims bill legislation that is not part of an agreed to settlement by the School Board;
- d. Oppose mandatory percentages of funding for instruction without accompanying increases in state aid or abolishment of statutes dictating operational functions;
- e. increase the filing fee for appeals of property assessments to the Value Adjustment Board in order to cover processing costs including legal review required by the Legislature using a third, independent party.
- 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.

IV. 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, Florida Tax Credit, McKay, etc.—so that the same level of student and fiscal accountability “follow 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.

V. 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.

VI. 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, additional bathroom facilities and increased protection against higher windspeeds.

VII. 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; and
- c. Modify the 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. Reinstate re-employment of instructional personnel and part-time support personnel after one month of retirement and 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.

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