

FEA Frontline Report

March 20, 2008

Week three of the 2009 legislative session:

This week workers were busy setting up tents within view of the Capitol. Was the circus in town? Sort of... there were some high wire acts, acrobatics and lion-taming of a different kind. Tensions were running high as legislators battled on fundamental differences in party principles. First time visitors to the legislative process were walking away stunned and discouraged with the lack of depth and understanding that some legislators have on education issues. Welcome to Tallahassee, where term limits, all-too-safe legislative districts, constant jockeying for leadership positions and re-election campaigning drive decision-making.

The circus continues. Meanwhile our students' futures are teetering in the balance as political posturing trumps sound policy decisions. The rallies may be over, the buses have rolled out of town and the pennies are in the bank, but our work in Tallahassee and back home is far from over.

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Rally for education

It was a beautiful crystal clear day in Tallahassee — and there were pennies. Lots of them. Tons of copper in plastic water bottles, bags, and shoe boxes were stacked high and wide just a stone's throw from the Capitol. But the day's message wasn't about 2.6 million pennies or even the penny tax proposal. It was about the 2.6 million students depending upon all of us to fight for their future. FEA President Andy Ford told the crowd to make sure the people in the Capitol could hear them. "Is this the Florida we want?" Ford asked. "NO!" the more than 2,000 parents, teachers and students responded. "We won't pipe down until they step up," said Ford, "Not next year, not next session, not after the next election, not sometime in the future, but NOW!"

Legislators squeezed through the crowds of sign-carrying chanting public school supporters to get a chance to stand on stage to show their support. Television cameras were everywhere. And you could hear the crowd chanting and the middle school jazz band playing from two blocks away. You can bet — even though Governor Crist wasn't in town — he heard them loud and clear. And so did the legislative leadership. It was a beautiful day for public education. Let's keep reminding them.

More bad news on the '08-'09 budget

On Thursday, the Senate Education PreK-12 Appropriations Committee announced that Governor Crist has requested that agencies plan for a 15% "holdback of funds" not previously distributed. If enacted by the Legislature, this would occur during the 4th quarter of the CURRENT budget year. This action is being taken in response to the Revenue Estimating Conference (REC) meeting held last week. You will remember that the general revenue forecast is now an additional \$1.1 billion less than the previous forecast. We estimate that the holdback will amount to a reduction of funds approaching \$200 million. **April payments to districts will not be reduced** but May and June payments could be reduced.

FEA addressed the committee and strongly urged the Senate, the House and the governor to act quickly by using federal stimulus funds to fill the general revenue gap that is being estimated. Keep in mind that the figures outlined above represent a scenario that does not factor in any federal stimulus funds or additional revenues being raised by the legislature. We continue to urge the governor, the president and the speaker to act with a sense of urgency to obtain all available federal stimulus funds and explore opportunities to raise additional revenues via the passage of our one-cent sales tax proposal.

While we do not presently anticipate a "worst case scenario" it is important that FEA and our membership be proactive in sending a message to our elected leaders. Now isn't the time to be complacent as we have recently earned significant media coverage through your efforts to collect pennies and the rally events. **We would encourage you to begin contacting House Speaker Larry Cretul, Rep. David Rivera (chair of the Education & Economic Development Appropriations Council), Rep. Anitere Flores (chair of PreK-12 Appropriations Council), along with their own state representatives.** Let them know that the implementation of these further budget cuts during the current school year will devastate schools. **These funding reductions would harm students and are actually unnecessary if the legislature would act decisively to utilize federal stimulus funds currently available to fill the general revenue deficit that is being projected.** www.FLAREcovery.com

TABOR bill skids off the track

SB 1906 Government Revenues/Voter Approval/New Taxes by Sen. Mike Haridopolos (R-Melbourne) had a few problems when heard in front of the Senate Governmental Oversight and Accountability Committee this week. Haridopolos didn't have the votes to pass his bill. The bill was temporarily postponed (in legislative parlance it was "TP'd"). TP-ing a bill delays the vote and allows the sponsor to try to get the votes he needs to pass it, work on language to make it more likely to pass, or quietly let the bill die. Committee members are concerned that the bill would cause more chaos for governments – much like the huge problems in Colorado with their TABOR disaster – to an already fragile environment.

The bill would:

- Replace the existing state revenue limit based on Florida personal income growth with new state revenue limits, and creates a local government revenue limit.
- Limit property tax revenues based on changes in local growth and school enrollment changes.
- Require excess revenues to be deposited into budget stabilization funds and provides for distribution of the excess funds.
- Authorize voters to permit the collection of revenues in excess of the limit.

- Authorize the Legislature and the local government governing body to approve emergency taxes by a supermajority vote.
- Prohibit state and local government from imposing new taxes, fees, assessments, or charges for services without first obtaining approval by a supermajority vote of electors voting on the issue.
- Prohibit the state and local government from incurring multi-year debts or financial obligations without adequate cash reserves.

Currently the Florida Constitution limits state revenue collections to the previous year's allowed revenue plus an adjustment for growth based on the growth rate of state personal income over the preceding five years. "State revenues" are defined as taxes, fees, licenses and charges for services imposed by the legislature on individuals, businesses or agencies outside state government.

Stay tuned as we track the progress – or lack thereof – of this bill.

Attack on tenure: Quality Teachers for All Students Act passes committee

Let's be absolutely clear: FEA supports high quality and highly effective teachers for all students. But HB 1411 does nothing to address the multiple components necessary to reach that goal.

HB 1411 *Quality Teachers for All Students Act* by Rep. Kelli Stargel (R-Lakeland) passed the House PreK-12 Committee. All four Democrats on the committee cast the only no votes. "This bill spits in the face of the career I chose," said Rep Dwight Bullard (D-Miami) of a bill that only has one real objective: to eliminate due process. Bullard admonished his fellow committee members and suggested they "walk a day in the shoes of a teacher before you vote on any legislation likes this."

If passed HB 1411 would only further diminish morale and discourage more people from choosing teaching as their profession. Right now teachers are facing increased responsibility and layoffs. This bill just adds insult to injury.

HB 1411 will provide a more uncertainty for a new teacher's future by doubling the annual contract process and restricting it to the same school district. The bill would:

- Start the probationary period all over again if a teacher is in one district three years and moves to another Florida district
- Create a five-year professional performance contract
- Allow a teacher to be dismissed without any basis after five years - minimizing the effectiveness of appraisal or assessment process
- Require appraisals occur annually; however, each first year teacher must have an appraisal twice a year.

The appraisal criteria would require inclusion of the following:

- Performance of students. The appraisal must primarily use data and indicators of improvement in student performance assessed annually and by district-determined assessments for subjects and grade levels not measured by the state assessment program.
- Instructional practice. For instructional personnel, performance criteria must include indicators based on each of the Florida Educator Accomplished Practices adopted by the State Board of Education (SBOE).

- Instructional leadership. For school-based administrators, performance criteria must include indicators based on each of the leadership standards adopted by the SBOE.
- Professional responsibilities. Such criteria must include professional responsibilities and employment.

FEA contends that the bill

- Does not provide guidance in building teacher effectiveness
- Does nothing to attract or retain teachers
- Only provides a pathway for removal of teachers.

If legislators were truly interested in helping teachers excel, they would have to have a plan that was more than dismantling due process. We need to remind the Legislature there are bigger issues to deal with right now.

Florida teachers deserve much credit for the much touted continuous improvement in student performance. High-quality teachers are doing extraordinary work every day in Florida. The Legislature needs to be reminded that there are tens of thousands of teachers wondering if they will have a job in August. Even under the tremendous stress of the uncertainty and frustration with the current fiscal crisis, each teacher goes to school each day and does their absolute best to open a child's mind to learning. FEA believes a real solution to funding our schools in this fiscal crisis is the single issue of paramount importance to this Legislature. The future of our children and our excellent teachers are at RISK!

FEA lobbyist Marshall Ogletree spoke in opposition to the bill citing numerous problems with the current language. He stated that the appraisal process should be fair and supportive if the teacher needs assistance and not just "a wait for five years and let them go" philosophy.

FEA stands ready to work with the Legislature and governor to address all aspects of teacher quality and teacher effectiveness - but addressing the total picture - not a piecemeal approach that created this legislation. New teacher induction, teacher compensation, teacher training, teacher performance, teacher contracts, peer assistance and review are all topics that should be included in that discussion.

The next stop for this bill will be the House Education Policy Council. The Senate version - SB 2458 by Sen. Thad Altman (R-Melbourne) has not yet been heard in committee. NOTE: HB 1411 is strongly supported by the Foundation for Florida's Future led by former Governor Jeb Bush.

21st Century Diploma Initiative passes committee

HB 1293 *21st Century Diploma Initiative* sponsored by Rep. Erik Fresen (R-Miami) creates the 21st Century Diploma Initiative. The purpose of initiative is purported to raise high school graduation standards to ensure Florida's students are prepared to enter the increasingly competitive global economic community. The bill passed out of the House PreK-12 Committee by a vote of 7 to 4 with the "no" votes cast by the Democrats on the committee. The bill would:

Beginning with students entering the 9th grade in the 2010-2011 school year

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the State Board of Education (SBOE); and one credit must be geometry or a series of courses equivalent to geometry as approved by the SBOE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBOE; one credit must be in a physical science or a series of courses equivalent to a physical science as approved by the SBOE; and one must be a higher-level science. At least two of the science courses must have a laboratory component.

Beginning with students entering the 9th grade in the 2012-2013 School Year:

- In mathematics one of the four credits must be Algebra I or a series of courses equivalent to Algebra I that have been approved by the SBOE; one credit must be geometry or a series of courses equivalent to geometry as approved by the SBOE; and one credit must be Algebra II or a series of courses equivalent to Algebra II as approved by the SBOE.
- In science one of the three credits must be Biology I or a series of courses equivalent to Biology I as approved by the SBOE; one credit must be chemistry, or a series of courses equivalent to chemistry as approved by the SBOE; and one credit must be in a higher-level science course. At least two of the science courses must have a laboratory component.
- The bill raises the FCAT score required for a student to pass the Grade 10 FCAT by providing that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency.
- The bill also creates the Graduation Exit Option Program, which authorizes the award of an alternative diploma to students who are at least 16 years old, enrolled in high school courses that meet high school graduation requirements, and at risk of failing to graduate and meet criteria developed by the Department of Education (DOE). The DOE is granted rulemaking authority to implement the program.

FEA is currently researching the impact this bill would have on high school students. The main concern we have is the financial impact the passage of this bill will have on districts during a time when they are facing potential layoffs and other cost cutting measures.

The Senate version — SB 2654 by Sen. Thad Altman (R-Melbourne) — has not yet been heard in committee.

“Secret ballot” amendment fast-tracking through committees

HJR 1013 *Guaranteeing the Right to Vote by Secret Ballot* by Rep. Adam Hasner (R-Palm Beach) and the Senate version - SJR 1908 by Senator Garrett Richter (R-Naples) - passed easily through the House Policy Council and the Senate Ethics and Elections Committee respectively – but once again along party lines with Democrats voting no.

As you may recall from the previous edition of Frontline, 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.

Joint resolutions 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 next stop for the Senate version will be the Senate Judiciary Committee next Wednesday.

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/>

Member lobbyists visiting Tallahassee

This was our biggest week yet for member lobbying! We know that not everyone signed-in for the briefings so if we missed your county – please let us know. What we do know is that more than 500 FEA members joined us in Tallahassee to lobby and attend the PTA rally coming from: Alachua, Bay, Bradford, Brevard, Broward, Citrus, Clay, Columbia, Duval, Escambia, Franklin, Gadsden, Gulf, Hamilton, Hernando, Hillsborough, Jackson, Jefferson, Lee, Leon, Levy, Madison, Manatee, Marion, Miami-Dade, Okaloosa, Orange, Palm Beach, Pasco, Pinellas, Putnam, St. Johns, St. Lucie, Suwannee, Volusia, Walton and Washington counties and members from the Florida School for Deaf and Blind, Student FEA, FEA Retired and UFF! Thanks to all for making this week a huge success. Let's continue to turn-up the heat on the legislature!

Questions? Call FEA Public Policy Advocacy at 850.224.2078