

FEA Frontline Report

May 2, 2009

Quote of the week:

“This program helps get kids out of failing public schools,” Senator Cary Baker on why Senators should support the unaccountable unproven private schools participating in the Corporate Tax Voucher program. Funny how it is when they talk about the virtues of vouchers for private schools that public schools are always “failing.” But when promoting the Jeb Bush foundation’s education proposals public schools are highly successful...

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Week nine - the not quite final week of the 2009 legislative session

This was supposed to be the final week of the 2009 legislative session. It’s not. The current plan is the legislature will Sine Die next Friday, May 8 after the budget has been finalized, printed, and pondered over for the required 72 hour “cooling off” period before it can be voted on by the full House and Senate for final passage. The good news is after Friday, May 1 no other bills will be heard.

Around 8 pm Friday evening — the last day for legislators to pass their bills — after a day of nail biting we finally knew that the 59 plus days of effort was successful in stopping some dreadful policy proposals.

This week, Republicans Sen. Alex Villalobos, Senate President Jeff Atwater, Sen. Mike Haridopolos were instrumental in making sure the debate on education policy issues stayed on track and no new un-funded mandates were passed down to the districts. Former Senate President Ken Pruitt and the Governor’s office were also very helpful during this especially difficult session.

Throughout this legislative session the House and Senate Democrats worked with us to stop or amend legislation which would have been detrimental to FEA members. They’ve debated our issues and stood with us time and again.

Although budget negotiations are still ongoing most of the work is now behind us. Despite the moneyed and powerful, despite the rabid ideologues and foes of public education, despite the fact that the number of true friends to public education in the legislature are in the minority, despite the fact that the economy is still in crisis...despite the deck being stacked against us, we beat back bills that would have cost jobs, increased financial burdens on districts and increased demands upon our teachers and ESPs. These things could not be accomplished without the support from FEA members.

House and Senate reach agreement on K-12 FEFP

The House and Senate education conferees have reached agreement on a proposed \$17.925 billion K-12 education budget for 2009-10. The proposal is propped up by counting on \$906.9 million from federal stabilization funds. The federal stimulus money is contingent upon Florida receiving an expected waiver from the U.S. Department of Education. The Governor has sent Florida's application to the U.S. Department of Education and we are awaiting word on the department's action.

The proposal spends \$6,873 per student, an increase of \$28 or 0.41% over this year. While the budget is better than expected and will save thousands of jobs from what was anticipated in January, many districts will still have to scrutinize their budgets to save jobs and programs. At this time, we do not have district-by-district allocations.

The following chart highlights many of the provisions of the FEFP agreement.

Issue	Amount Funded
Required Local Effort increased by .178 mill statewide	\$7.801 billion, \$448.4 million less than current year/Note: Value of property tax millage has declined due to declining value of homes
0.25 mill Capital Millage moved to .498 Discretionary Local Effort (.748 mill total)	\$1.137 billion, \$278.8 million over current year
Additional 0.25 mill discretionary levy eliminated	\$255.5 million cut
Merit Award Program (MAP)	\$20 million for districts with approved MAP plan
Transportation/currently \$460.9 million in a categorical program	\$429 million rolled in the FEFP
Instructional Materials/currently \$253.9 million in a categorical program	\$215.9 million rolled in the FEFP
Teachers Lead/currently \$36.8 in a categorical program	\$33.3 million rolled in the FEFP
Federal Stabilization Funds	\$906.9 million
Unweighted FTE (UFTE)	2,608,006.73, a loss of 10,000 FTE statewide
Total FEFP Funds	\$17.925 billion, an increase of \$4.7 million
Total Funds per UFTE (currently \$6,844.86)	\$6,872.89
School Recognition (currently \$85/FTE)	\$75/FTE

The House and Senate conferees also reached agreement on many differences contained within their respective conforming bills. Some of these are listed below.

- Class size will remain at the school level average during the 2009-10 school year.
- National Board Certified Teaching Program remains as in current law and is funded at \$46.9 million.
- Instructional materials adoption remains unchanged and there will be no delay of math book purchases. "Adequate instructional materials" are redefined to include hard-backed or soft-backed textbooks, consumables, manipulatives, learning laboratories, electronic media and computer software or courseware. Instructional funds remaining on March 1, 2010 can be used flexibly.

- The length of the school year is 180 actual teaching days or the hourly equivalent.
- **Instructional Personnel Contract Year was changed from 196 days to up to 10 months.**
- Non-recurring federal stabilization funds may not be used to fund new professional service contracts. Note: Federal stabilization funds are only about 5% of total FEFP funds.
- AP/IB/AICE bonuses are unchanged.
- School board member salaries are capped at district beginning teacher pay.

There is a significant **unresolved** issue regarding a voted 0.25 mill levy that is **outside** the FEFP. A district school board by supermajority vote may levy the 0.25 mill for either capital or operating expenses. If a district decides to use the new millage for operating, it is then compressed in the FEFP.

All unresolved budget issues now go to the committee chairs and then possibly to the Speaker and President for resolution. Once the budget is placed on the member's desk, the 72-hour waiting period begins. Vote on the budget bills will be Thursday or Friday next week.

Bills that passed and are on their way to the Governor

HB479/SB 1182 State Retirement System aka the "double-dipping" by Sen. Mike Fasano (R-New Port Richey) and Rep. Robert Schneck (R-Springhill) is the retirement bill designed to prevent double-dipping within the Florida Retirement System. The bill has passed the Legislature and will go to the Governor. The bill was prompted by numerous newspaper accounts about egregious conduct of a few elected officials and management personnel who were in DROP, collected a large DROP payout and then returned after 30 days to the same job and began earning a second retirement. However, it is important to understand that the bill is about reemployment and earning a second retirement and not about DROP. There was no substantial change in the DROP law.

The bill will end effective July 1, 2010, the ability of a classroom teacher to be reemployed after thirty days with a retirement benefit. It will also not allow an FRS retiree to collect a benefit and substitute teach or substitute as a bus driver or food service worker after a thirty day waiting period.

HB 479 makes the following changes to retirement law effective July 1, 2010.

- 1) A retiree must wait six calendar months after retirement or DROP termination in order to be reemployed by an FRS employer and receive both a salary and retirement benefits.
- 2) A retiree cannot earn a second retirement benefit in a state-administered plan.
- 3) The bill impacts retirees from the defined benefit plan, the defined investment plan or any state-administered retirement system.

SB 1310/HB 453 Tax Credits/Nonprofit Scholarship-funding Organizations aka Corporate Tax Vouchers by Sen. Andy Gardiner (R-Orlando) and Rep. Will Weatherford (R-Wesley Chapel) passed the Senate by a vote of 26 to 11 by a bipartisan mixed-bag vote...some Democrats voted for the bill while some Republicans voted against the bill. The next stop for the bill before it becomes law is the governor's desk for his signature for approval, let the bill become law without his signature or a veto.

To see how your Senator voted go to: http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=session/2009/House/bills/votes/html/SHB04530428090006.html

Senators Ted Deutch (D-Delray Beach), Nan Rich (D-Sunrise), and Frederica Wilson (D-Miami) sponsored various amendments to the bill on behalf of FEA. Their efforts were supported in the debate by Senators

Larcenia Bullard (D-Miami), Dan Gelber (D-Miami), Eleanor Sobel (D-Hallandale Beach), Charlie Justice (D- St. peters)and Chris Smith(D-West Palm Beach).

The 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.

Last week the House passed the bill by a bi-partisan vote of 94 to 23. Twenty Democrats voted with the Republicans for the bill. To see how your Representative voted go to:

<http://www.myfloridahouse.gov/Sections/Bills/floorvote.aspx?VoteId=9732&BillId=40353&SessionId=61>
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.

HB 991/SB 1682 *Relating to School Improvement and Accountability* by Rep. Grady (R-Naples) and Sen. Stephen Wise (R-Jacksonville) aligns and directly connects the school improvement and accountability state statutes with the education accountability provisions from the federal *No Child Left Behind (NCLB) Act of 2001*. The aligned school improvement and accountability system is extended to *all* public schools in the state. The federal Elementary and Secondary Education Act of 1965, as revised by the *No Child Left Behind (NCLB) Act of 2001*, requires each state to have a single, statewide accountability system based on academic standards and assessments, containing sanctions and rewards to hold school districts and public schools accountable for student achievement.

It is important at the local level to monitor implementation of this bill because it may have an impact on collective bargaining agreements, may have a huge fiscal impact and may present opportunities for the locals to be proactive on school improvement initiatives.

HB 991 also amends the statute that identifies disparities among teachers with regard to average years of experience, median salary, and performance on teacher certification examinations. The new language identifies the disparities based on assignment of temporarily certified teachers, teachers in need of improvement, and out-of field teachers, and in performance of the students of a teacher. School districts may not assign a higher percentage than the school district average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers to schools categorized as needing improvement according to statute.

SB 270 *Relating to Public Records/Insured Dependents/Agency Group Plan* by Sen. Paula Dockery/ HB 135 *Public Records/Insured Dependents/Agency* by Rep. Seth McKeel (R-Lakeland)The bill creates a public record exemption for personal identifying information of dependent children of agency officers and employees when such dependent children (children under the age of 21 and still in school, and certain incapacitated children 18 years of age and older) are insured under an agency group insurance plan. The bill specifies that personal identifying information of agency employees remains subject to public disclosure.

Killed bills

This is a partial list of bills we were able to stop from becoming law this legislative session. Once the dust settles a complete listing will be compiled and included in FEA's End of Session Report. The report will be posted on FEAweb.org before the end of May.

SB 2458 School Personnel by Sen. Thad Altman (R-Melbourne)/HB 1411 “Quality Teachers for All Students Act” by Kelli Stargel (R-Lakeland) which had been amended last week to become a study bill passed the House on Monday by 71 to 46 votes. . Three House Republicans – Rep. Faye Culp (Tampa) and Rep Bill Proctor (St. Augustine) voted with the Democrats against the bill.

The Senate stalled the bill in the committee process killing it before it could reach the floor. The original bill would have done away with due process, lengthened the annual contract period from three years to five (or six) years, created a 5-year contract which would have allowed for teachers to be fired at the end of that contract—for any reason or no reason at all—and if a teacher moved to a new district, the process would start all over again. FEA opposed this bill.

HJR 919/SJR 1828 Class Size Revision

Even though this HJR 919 Class Size Revision passed the House thanks to the efforts of Sen. Dan Gelber and some Republican friends we were able to bottle this bill up until the clock ran out. If this bill would have passed it would have gone before the voters on the general election ballot in November 2010. If passed by the voters beginning with the 2010-2011 school year it would have changed the way that class size compliance is calculated by the school level rather than the classroom level. FEA opposed this bill.

HB 1293 High School Graduation by Rep. Erik Fresen (R-Miami) was heard on the floor of the House passing by a vote of 75 to 42 with only two Democrats voting for the bill. They were Rep Bill Heller (D-St. Petersburg) and Rep. Janet Long (D-St. Petersburg). This is the bill that is purported to “raise high school graduation standards to ensure Florida’s students are prepared to enter the increasingly competitive global economic community.” The supporters of House version first claimed there would be no additional costs incurred by school districts. But the Senate analysis estimated the staffing cost to run up to \$250 million.

The Senate version — SB 2654 by Sen. Thad Altman (R-Melbourne) — ran aground in the Senate Education PreK-12 Appropriations Committee due to the bill’s price tag. The bill never made it to the floor of the Senate.

HB 1978 Classroom Expenditures by Sen. Diaz de la Portilla Requires that school districts spend a minimum of 70 % of the district general fund on expenditures in the classroom. Sounds good in theory but in reality has no positive impact on dollars going into the classroom since many districts already meet that minimum and could force districts to eliminate ESP positions.

SJR 1908/HJR 1013 Guaranteeing the Right to Vote by Secret Ballot by Sen. Garrett Richter (R-Naples) and Rep Adam Hasner (R-Delray Beach) was the anti-union organizing bill which would have taken the right of employees to elect union representation by voluntary recognition. The bill passed the House along party lines but was not heard in the Senate floor.

Darts and Laurels

Darts to Sen. Cary Baker (R-Eustis) as he talked about public schools failing kids and that’s why they need vouchers.

We had a long list of potential Laurel candidates this week but one stood out time and again. This week’s Laurels go to Sen. Evelyn Lynn (R-Daytona Beach) for her strong debate against several anti-public education measures but especially when she railed against the idiotic 70% Solution!

Member lobbyists visiting Tallahassee

Hats off to the activism efforts of to Santa Rosa Professional Educators (SRPE)! On day 52 of the legislative session, SRPE held a "Making Our Schools Priority" rally with over 400 persons in attendance. The rally made the front-page of the Pensacola News Journal. SRPE continued to collect signed post-cards and sent approximately 1000 of the cards to their local legislative delegation – Read the full story at <http://www.pnj.com/apps/pbcs.dll/article?AID=2009904240327>

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

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