



# FLORIDA ASSOCIATION OF DISTRICT SCHOOL SUPERINTENDENTS

## 2018 LEGISLATIVE PLATFORM

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### INTRODUCTION

The Florida Association of District School Superintendents is the professional organization comprised of Florida's 67 public school superintendents. As constitutional officers, Florida superintendents have a responsibility to meet the educational needs of a diverse and growing population of over 2.8 million students enrolled in Florida's public schools.

Florida superintendents support a high-quality public education system that graduates students prepared for careers and postsecondary education. High-quality public schools are critical to Florida's economic growth and prosperity. In most Florida counties, the school district is the single largest employer – thus economic and fiscal impacts felt by the school district can have a ripple effect throughout the state.

Last year, the 2017 legislative session redefined public education both fiscally and programmatically. Successfully administering a multi-million dollar program with fidelity and effective long-range planning for the future cannot occur when education funding and policy changes annually. The current funding system is not stable or equitable.

Equity among delivery systems and accountability to the taxpayer must be paramount. However, Florida's current public education system is not seamless or efficient for students, their parents, or the taxpayer. As a result, students may fall short of reaching their highest potential, obtaining workforce skills or receiving quality educational services. These recommendations are made to bring stability and transparency into all public education programs.

### REDEFINITION OF PUBLIC EDUCATION

Superintendents make personnel recommendations and decisions in March – well before the legislative session ends and the state budget is finalized. In the past, superintendents could depend on a 2 to 3 percent increase in the average dollars per student, which is referred to as Total Potential Funding. This enabled school districts to confidently make hiring and program decisions based on projected funding. However, the last two years have been especially challenging because the total funds allocated per student as well as the Base Student Allocation (BSA) have been low despite Florida's growing economy.

On the capital outlay front, school districts are required by statute to adopt and then implement a five-year educational facilities plan that must be complete, balanced, and financially feasible. With the new requirement that districts must now appropriate funds from the discretionary 1.5 millage to charter schools, capital maintenance and repair needs of Florida's traditional public schools will continue to be delayed. Due to millage rate cuts adopted by the Legislature and the continued impact of the 2007 Great Recession, there is about \$640 million less in revenue for the 2017-2018 Fiscal

Year available to support facilities for all public school students than the amount available 10 years ago. In addition, there are about 200,000 more students who must be served. The schools funded by the 1997 Special Legislative Session are now 20 years old and in need of major repair and renovation, as is typical for 20-year old buildings. Since the beginning of the Great Recession, the reductions in millage rates and property values have diverted about \$10 billion from local school district capital outlay funds, a number that mirrors the unfunded needs in the major districts' capital outlay plans.

## **PUBLIC EDUCATION FUNDING**

Public education as funded through the Florida Education Finance Program (FEFP) has historically been one of the highest priorities supported by the Florida Legislature until recently. The FEFP supports the employment of teachers and support personnel that underpin Florida's public education system. Such funding supports the employment of the largest number of citizens in almost every county and is critical to the continued growth of Florida's economic engine.

### **Recommendations – General Operations**

- *Increase the Base Student Allocation (BSA) by \$150 and increase Total Potential Funds by \$225 per student.*
- *Increase teacher salaries by \$2,500.*
- *Maintain the current Required Local Effort (RLE) millage rate of 4.316 mills.*

### ***Invest in Public Education: Increase the Base Student Allocation by \$150 and Increase Total Potential Funds by \$225 per Student***

Total funding for Florida's school districts has not yet recovered from the Great Recession. At the start of the 2007-08 school year, an average of \$7,306 was provided per student through the FEFP. Ten years later, funding per student has only reached \$7,296. This means that district and charter schools have been operating with \$9 less per student before factoring in increased costs and inflation.

While the last two fiscal years have seen small increases in the Base Student Allocation (BSA) to truly offset increased costs and inflation, the Legislature appropriated an average increase of almost \$169 dollars in the BSA or general operating fund in the 2012-13 to 2015-16 fiscal years. Superintendents recommend a strong investment in public education by increasing the BSA by \$150 and increase total dollars by \$225 per student.

### ***Increase Teacher Salaries by \$2,500***

The "Best and Brightest" Program will provide \$233 million in teacher and school principal bonuses this fiscal year. An increase in compensation is welcome, however teachers would be better served by a recurring increase to their base salary rather than a bonus. Bonuses are not included in the Florida Retirement System and do not allow teachers to accurately plan their financial futures from year to year. Teacher and administrative compensation is already differentiated between "effective" and "highly effective" employees by a district-developed compensation system that incorporates additional criteria that may better correlate to student achievement.

The "Best and Brightest" Program does not incorporate a large number of instructional personnel such as media specialists, guidance counselors, and resource teachers, along with assistant

principals and other school support employees – all of whom contribute to creating a positive learning environment for students.

Governor Rick Scott and the Legislature took a different approach in 2013 by creating a Teacher Salary Allocation categorical in the FEFP to provide an increase in the base salary of all classroom teachers and other school-site personnel of \$2,500 per teacher. A stable, recurring salary increase will help in recruitment and retention efforts and shows a concrete commitment to Florida's teachers.

### ***Maintain the Current Required Local Effort Millage Rate of 4.316 Mills***

While there was strong support to maintain the Required Local Effort (RLE) school tax rate, the Legislature ultimately reduced the RLE to the “roll back rate” for the second consecutive year. The “roll back rate” reflects the rate that would generate the same property tax revenue on a dollar for dollar basis as approved for the prior year. By reducing the RLE from 4.638 to 4.316 mills for the 2018 fiscal year, over \$500 million dollars was taken off the table. Coupled with last year's millage reduction, over a billion dollars was lost that could have benefited Florida's children and local communities.

This continued change in policy undermines the historic partnership of funding and supporting public education by both the state through general revenue and local communities through ad valorem property taxes. Capping the RLE to generate the same amount of revenue is shortsighted fiscal policy for the state. As student enrollment grows and costs increase, the pressure on state sales tax revenues to fund education increases. This is compounded by the other pressures on state sales tax revenue related to health care and other essential state services.

Moreover, Florida has historically expected growth to fund itself. By holding the RLE to generating the same amount year by year, the growth in tax rolls attributed to new construction is negated. Growth does not pay for itself. For example, a homeowner with an assessed value of \$225,000 and eligible for the \$25,000 school tax homestead exemption saved \$69 dollars in 2017 and will save another \$64 in 2018. These savings translate into less than \$6.00 per month for the average homeowner.

### **Recommendations – Capital Outlay**

- *Increase the Local Discretionary Capital Improvement Millage to 2.0 mills to help meet public school capital needs.*
- *Continue to provide Public Education Capital Outlay (PECO) funds to public schools.*
- *Fulfill the funding of existing Special Facilities Projects and fund the projects ranked by the Department of Education.*
- *Extend from 4 years to up to 10 years the voter approved additional millage authorized in s. 1011.73, Florida Statutes.*
- *Clarify that the Department of Education may not restrict a school district's use of locally generated capital outlay dollars, often approved by the voters, for new construction projects.*
- *Address the inadequacy of the “cost per student station” as a model for reporting the costs of new construction costs for Florida's public schools.*

Florida school districts comprise over 453 million square feet of facilities and represent a public asset of \$90 billion based on an average cost of construction of \$200 per square foot. As of June 30, 2016, the average age of permanent school facilities in Florida was 30 years old. Preventative maintenance, repairs, and the upkeep or replacement of building systems (i.e. HVAC, lighting) is

critical to ensure that public schools reach 50 years of useful life as required by statute and state board rules. Many schools across the state also serve as hurricane shelters and must be built and maintained to emergency shelter requirements. Charter schools are not required to provide emergency shelter.

The deterioration of schools negatively impacts the core mission of student achievement. Both teachers and students perform better in schools with good indoor air quality, lighting, and acoustics. Teacher job satisfaction and retention has been linked to the condition of the school.

School districts face ever increasing demands for and upgrading of technology including both hardware and software. The Digital Classrooms categorical funding of \$80 is significant but represents a small fraction of the need. Considering the current enrollment of more than 2.8 million students, this presents just over \$28 per student. This does not cover the cost of devices, Internet capacity, IT infrastructure equipment or professional development for teachers. In the 2016 fiscal year, Florida's school bus fleet consisted of 18,997 buses and fleet management requires a 10- to-15 year replacement cycle. Replacing school buses on this cycle would require the purchase of 1,266 to 1,900 school buses each year at an estimated total cost of \$139 to \$209 million.

### ***Increase the Discretionary Millage to 2.0 in Order to Meet Public School Capital Needs***

The revenue generated by the levying of the discretionary 1.5 millage is used for facility maintenance, new construction, information technology, and school buses.

The fluctuation in property values and the reduction in local capital outlay taxing authority have significantly impacted the ability of school districts to maintain and repair school buildings. In order to preserve teaching jobs and meet other operational costs, during the Great Recession, the 2008 and 2009 Legislature transferred .25 mills each year to the Required Local Effort levy to generate sufficient revenue to prevent substantial teacher layoffs and to assist districts in meeting basic operational expenses. In the short term, school districts were able to defer capital purchases and tap local capital reserves. Over time, the substantial loss of capital revenue from the reduction in discretionary millage from 2.0 to 1.5 mills has crippled the ability of school districts to meet school maintenance needs, maintain and meet technology needs and replace school buses.

HB 7069 passed in 2017 requires school districts to appropriate capital dollars to eligible charter schools. This new requirement will further delay needed maintenance and repair needs of school districts.

### ***Continue to Provide Public Education Capital Outlay Funds to Public Schools***

Public Education Capital Outlay (PECO) allocations to school district have declined significantly. In the 2008 Fiscal Year, PECO funds for traditional schools exceeded \$200 million for maintenance and \$297 million for recommended needs based upon statutorily required school surveys. This revenue source has been decreasing and is unable to support the needs of traditional and charter schools. In 2017, the Legislature appropriated \$50 million for regular public schools.

***Fulfill the Funding of Existing Special Facilities Projects and Fund the Projects Ranked by the Department of Education***

The Special Facility Construction Account is used to provide construction funds to school districts which have urgent construction needs but lack sufficient resources, and cannot reasonably anticipate sufficient resources within the next 3 years. A school district requesting funding must submit one specific construction project to the Special Facility Construction Committee. The project must be deemed a critical need and must be recommended for funding by the committee. The composition of the committee and selection criteria is specified in statute (s. 1013.64(2), F.S.). Facilities recommended by the committee are:

Taylor – 3<sup>rd</sup> year of funding  
Liberty – 2<sup>nd</sup> year of funding  
Jackson – 2<sup>nd</sup> year of funding  
Bradford – 1<sup>st</sup> year of funding  
Gilchrist – 1<sup>st</sup> year of funding

***Extend from 4 years to up to 10 years the Voter Approved Additional Millage Authorized in s. 1011.73, Florida Statutes***

School boards are currently authorized, upon approval of the voters, to levy additional millage within the 10-mill limit to be used for school operational purposes. Expanding this authority for up to 10 years, which would be approved by the voters, would give districts additional time to plan and ensure stable funding for the district. For the 2015-2016 school year the following districts utilized this authority: Alachua (1.0), Collier (1.20), Franklin (.50), Gulf (1.0), Hamilton (.250), Hardee (1.0), Indian River (.60), Marion (1.0), Monroe (.50), Orange (1.0), Palm Beach (.250), Pinellas (.50), Sarasota (1.0), Seminole (.70), Taylor (.25), and Wakulla (.50)

***Clarify that the Department of Education May Not Restrict a School District's Use of Locally Generated Capital Outlay Dollars, Often Approved by the Voters, for New Construction Projects***

DOE issued a memorandum to superintendents on November 6, 2017, and specified that new construction projects funded with local dollars must be survey recommended or only constructed based on DOE requirements. Prior to this new interpretation stated in the memorandum, local funds (voter bond referenda, half cent sales tax revenue, impact fees, donations, etc.) could be used without a survey recommendation for capital outlay purposes. This new interpretation would mean that districts could not build the specific projects that were approved by voters. In fact, if a citizen donated funds to build a new technology lab or a new music facility, the school district could not build it.

***Address the Inadequacy of the "Cost per Student Station" as a Model for Reporting the New Construction Costs for Florida's Public Schools***

School districts must utilize the "cost per student station" limits specified in statute for new construction. School districts are having difficulty in meeting the cost limits due, in part, to the impact of regional differences in construction costs, the changes in construction costs, and the impact of Florida specific conditions. The 2016 Legislature required the Office of Economic and Demographic Research (EDR) to conduct a study of the cost per student station amounts. The study identified several problems with the "cost per student model." Unfortunately, the study was never discussed by the Legislature and the problems with the model and the impact on new construction continue.

## **BEYOND EDUCATING STUDENTS: EMERGENCY MANAGEMENT NEEDS RELATED TO 2017 HURRICANE SEASON**

Florida faced the wrath of Hurricane Irma on September 11, 2017. Some Floridians lost their lives. Many lost their homes and livelihoods. The damage wrought by Hurricane Irma was widespread and included almost all of the counties in Florida except those in the western part of the state. The number of Floridians who evacuated was unprecedented. Shelters, mostly public schools, were at capacity and staffed by public school personnel. Shelters served evacuees from all over the state, special needs individuals, mentally ill individuals and the homeless. Sheltering citizens, who often brought their pets, and the necessary cleanup was an additional cost. On the heels of Hurricane Irma was Hurricane Maria. Educating displaced students from both hurricanes is a continuing concern.

### **Emergency personnel, school districts, and citizens faced a myriad of issues including:**

- Lack of power.
- Fuel shortages for citizens, evacuation, emergency personnel and generators.
- Delivery of food, equipment and supplies.
- Closed/blocked roadways due to flooding/debris.
- Food spoilage at schools serving as shelters.
- Overall Safety Issues.

### **School districts provide shelters for Florida's citizens during hurricanes and other emergencies. School personnel also staff shelters. Issues include:**

- Availability of power and generators.
- Availability of supplies and food.
- Adequate staffing of shelters during a mandatory evacuation.
- Availability of trained staff, including law enforcement personnel.
- Need for shelters to serve individuals with mental illness and the homeless.
- Need for shelters that can handle individuals with service animals, companion or comfort animals.
- Need for additional shelters (charter schools, state colleges and universities)
- Need to feed the community. Several school districts fed the community during and after the storm.
- Clean up and sanitization of schools before being reopened.
- Transportation needs (flooded roads/live electrical lines).

### **Recommendations:**

- Availability of shelters to accommodate persons with mental illness, homeless individuals and individuals who bring pets of any kind needs to be expanded.
- Public awareness of accommodating special needs pets, companion pets, comfort pets and all pets needs to be expanded.
- Specific funds should be allocated to reimburse school districts, counties, etc. to defray the expenses of evacuating and sheltering Florida's citizens until FEMA reimbursements are provided.
- State grants programs should be accelerated to ensure that shelters are adequately equipped (e.g. generators).
- Chapter 252, F.S., relating to emergency management needs to be reviewed and strengthened to ensure the safety of all Floridians.

- An avenue for additional statutory flexibility should be provided to address the fluctuation in student populations and additional needs during and after a hurricane.

## **CHOICE OPTIONS FOR STUDENTS AND PARENTS – INTEGRITY, EQUITY AND ACCOUNTABILITY**

Since their inception in 1996, charter schools were offered as a means to provide students and their parents with programmatic options that were not available in regular public schools. Today, many charter schools are not innovative, but rather duplicate educational programs that are offered by regular public schools.

### ***Capital Outlay***

- Support the Senate language that prohibited personal enrichment of charter school owners, operators, board members, etc. and ensured that the taxpayers receive an asset for their investment.
- Introduce an element of need before authorizing capital outlay for charter schools in order to ensure an efficient system and be accountable to the taxpayer. Need should be reflected in the school board's 5-year capital outlay plan to ensure transparency for the taxpayer.
- Ensure that the taxpayer is protected by requiring the charter school be owned by a public entity or be transferred to a public entity if closed.
- At a minimum, require an ownership interest equal to the dollar value of the 1.5 mills charter schools receive. If the property were sold, funds equal to the taxpayers' investment would then revert to the school district.
- Free up school districts to build schools under the same statutory rules and regulations as charter schools.

### ***Charter Schools***

- Authorize school districts to only approve charter school applications when the proposed instructional program and student growth needs are aligned with the needs of the district.
- Reinstate language ensuring that districts and charter can actually negotiate a charter contract pursuant to generally acceptable principles of contract law.
- Provide equity between charter schools and regular public schools as it relates to corrective action requirements and timelines.
- Require charter schools to comply with controlled open enrollment.
- Reinstate local governing authority relating to local zoning and land use requirements or restrictions. School districts are subject to these land use restrictions and comprehensive plans.
- Require reporting requirements relating to withdrawals, suspensions, expulsions, and other related instances where students are no longer enrolled in a charter school be the same for all public schools, including charter schools.
- Repeal the requirement that each charter school must complete a survey rating the timeliness and quality of services provided by districts.
- Repeal the authority of a high-performing charter school to establish more than one charter school within the state in any year if it operates in the area of a persistently low-performing school and serves students from that school.
- Repeal the authority to replicate schools in a high-performing charter school system in any school district in the state without regard to the needs of students for facilities and instructional innovation.

- Both of the prior two provisions, and the one requiring a prescribed contract that is not agreed to by both parties clearly do not conform to constitutional requirements.
- Authorize school districts to recover the cost, including interest, of a Tax Anticipation Note (TAN) that is needed to ensure payments to charter schools.
- In order to ensure financial stability, school districts must have the authority to require a surety bond or the maintenance of a specific amount in an escrow fund to protect the school district and taxpayer.

### ***Hope Schools***

- Provide school districts with access to “Hope” funds on the same basis as charter schools so that regular public schools may also offer wrap around and other ancillary services, and extended school days and extended school hours.
- Authorize school districts to reject a hope operator.
- Repeal the language that creates a hope operator solely based on the fact that a charter operator received a commonly available federal startup grant.
- Repeal the language that reduces charter school administrative fees if a district does not enter into a performance-based agreement within 60 days.
- Require a hope operator to utilize the facility in which the persistently low performing school is located, if made available by the district.
- Require hope operators to employ certified teachers.
- Repeal the 25-district school of hope school cap.

**Title I** – The utilization of federal grant dollars is a powerful tool in supporting student achievement for every educational delivery system. These funds empower school and district communities in mitigating for poverty with Title I, supporting teacher practices with Title II, and developing English language proficiency with Title III. HB 7069 passed in 2017 restricted the ability of school districts to utilize Title I funds efficiently across schools with high poverty and low achievement. These limitations should be repealed.

### **EDUCATION ACCOUNTABILITY**

HB 7069 passed in 2017 modified Florida’s accountability system by expanding the number of schools that receive state intervention to schools with two consecutive grades of “D” or a grade of “F” and reduced the flexibility of districts to address the needs of students in low performing schools. School districts are no longer able to utilize a district-managed turnaround plan for schools with multiple “D” grades but are forced to close or establish a charter school. Such a radical plan may not be in the best interests of the students or the school. Some discretion is needed.

HB 7069 provided districts with the flexibility of using the Value Added Model (VAM) in teacher evaluations. However, the Department of Education is telling districts that teachers must be transferred based on the VAM calculation and not based on the district’s approved evaluation system. The use of a single calculation as justification for the transfer of teachers is questionable. Often, a carefully thought out and implemented support plan for a teacher is the best way to avoid disruption for students and improved performance, not a single calculation.

## **Recommendations:**

- *Reserve the most intensive intervention and support by the state to schools with grades of “F.”*
- *Authorize a school that earns a grade of “D” for 3 consecutive years to convert to a district-managed turn around school.*
- *Prohibit the DOE from requiring districts to transfer teachers based on a statewide VAM score.*

## **SUPPORT FLORIDA’S PUBLIC TECHNICAL COLLEGE/CENTER SYSTEM**

A high quality career and technical education system continues to be critical to Florida’s economic growth and expansion. Florida’s public postsecondary technical institutions are an integral part of this system and provide the necessary training to meet the shortage of skilled workers in Florida. Public postsecondary technical colleges/centers, governed by school districts, provide quality training in specific occupational program areas in order to meet the employment needs of business and industry. These technical centers have the ability to be market driven, responsive to business and industry needs, cost effective, and focused on results.

## **Recommendations:**

- *Provide \$7 million in performance based funding for school district workforce education programs for students who earned specific industry certifications in the 2017-2018 school year.*
- *Continue to work toward equitable funding for technical colleges/centers.*
- *Appropriate \$3 million to provide grants to career centers, charter technical career centers, and colleges to establish new apprenticeship programs and expand existing programs.*