

# Leaders

A Newsletter for Florida School Board Members

## Local funding effort now exceeds state's contribution

*Lee, Charlotte, St. Johns districts share their budget-cutting process as districts attempt to deal with state's worst financial crisis in years.*

**F**or the first time, local effort dollars will exceed the state effort in total revenues expended. That's the bottom line on this year's education budget adopted by the Legislature during the last week of the session.

"We're putting in \$9.4 billion and the state is putting in \$9 billion," FSBA Executive Director Wayne Blanton said. These funds include FEFP, categoricals and lottery/school recognition only. Last year, the state kicked in \$9.7 billion compared to local contributions of \$9 billion.

"That is contrary to what Article 9 of Florida's constitution says," Dr. Blanton added. He was referring to Article



**Beverly Slough**

IX, Section 1 of Florida's Constitution that speaks to education funding: "The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children..."

The two important phrases in that one sentence are "paramount duty" and "adequate provision."

"It's obvious," said Dr. Blanton, "that the Legislature failed this constitutional test with the 2008-09 education budget."

Total per FTE is now \$6,997, compared to \$7,128 last year.

While total funds for 2008-09 are \$18.4 billion versus \$18.7 billion the preceding year, a \$300 million-plus decline or 1.77% decrease, what must also be taken into consideration are the budget cuts that occurred last year and early this year due to revenue estimates that were missed. In total, then, education is now down about \$800 million over the budget that was initially passed for 2007-08.

What's worse, according to a legislative leader who spoke at FSBA's Day in the Legislature this year, is that more cuts may be forthcoming.

Rep. Joe Pickens, R-Palatka, chairman of the House Schools and Learning Council, said "the worst has not arrived yet" and that next year's budget could be "worse unless alternative revenue sources are looked at. Revenues are also down from what the Revenue Estimating Confer-

ence said they would be," he told FSBA members.

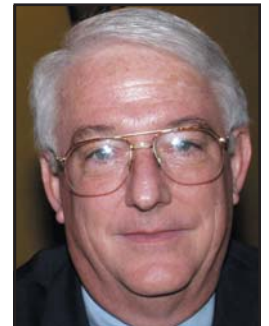
There was quite a bit of disparity among individual districts in per student funding, said Dr. Blanton. "Cuts ranged from \$213 per student down to some districts who experienced little or no cuts," he said. "The statewide average was a decrease of \$131 per student."

Districts' transportation budgets suffered a big hit. The budget passed last year—before supplemental budget cuts—totaled \$493.6 million. The 2008-09 budget puts transportation at \$471 million, \$22.5 million less. "With increased gasoline prices, that's like a double whammy for school districts," said Dr. Blanton.

What are districts doing to deal with these cuts? "Many are looking at getting rid of teacher aides, hiring fewer teachers, cutting back or eliminating after school programs," said Dr. Blanton.

FSBA is asking districts to submit their budget reduction ideas. The association is planning several sessions at its June 11-13 Spring Conference in Tampa dealing specifically with innovative ways to trim budgets.

*See what other districts are doing, Page 3*



**Lee Swift**

### In this edition. . .

- 2 PE, Ethics bills adopted**
- 3 Court fight ahead for amendments**
- 4 Thanks from FSBA president**

**Special Report**  
**Districts challenge charter schools commission**

# Leadership Calling

## PE, ethics pass Legislature

**P**hysical education and ethics were two issues adopted by the Legislature this year. Both affect school districts.

The Don Davis Physical Education Act, named for the Jacksonville Republican who died earlier this year from brain cancer, requires at least 30 consecutive minutes of physical education in elementary schools. In addition, beginning with the 2009-2010 school year, district school boards must provide one semester of physical education for students enrolled in grades 6 through 8.

The Ethics in Education Act prohibits teachers or administrators from being allowed to resign rather than be terminated in cases involving misconduct with students.

The bill prohibits a district school board, or any of its employees, from entering into a confidentiality agreement regarding terminated or dismissed teachers or administrators who resign in lieu of termination due to misconduct with a student.

For complete information on these bills or any others that passed the Legislature this year, go to FSBA's Web site, [www.fsba.org](http://www.fsba.org).

## Pinellas superintendent search underway

**F**SBAs are helping Pinellas County search for a new superintendent to replace Dr. Clayton Wilcox, who is resigning to take a position in the private sector.

The cutoff date is July 11 for submitting an application for the job, said FSBA Executive Director Wayne Blanton. The list of applicants will be narrowed to the top five by July 28.

Applications should be sent to the Pinellas County School Board office, 301 Fourth St. S.W. (or P.O. Box 2942), Largo, Fla. 33779-2942.

According to the latest figures, there will be quite a few new superintendents after the November elections. Thirteen current superintendents have already announced their intentions not to seek re-election.

## Hillsborough board member elected to CUBE

**S**usan Valdes, Hillsborough County School Board, has been elected to the Steering Committee of the National School Boards Association's Council of Urban Boards of Education.

She joins five other school board members who were chosen during NSBA's business meeting held in March during the association's annual conference in Orlando.

The CUBE Steering Committee meets quarterly and is composed of 13 urban school board members from across the U.S. For more than four decades, CUBE has helped urban school districts strive for excellence. It is the only national membership organization governed solely by urban school board members.



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*Administrative Assistant for Board Development*

Mary Jane Angelotti  
*Office Administrator, FSBIT*

Florida School Boards Association  
203 S. Monroe Street  
Tallahassee, FL 32301  
(850) 414-2578 or Suncom 994-2578  
Fax (850) 414-2585 or Suncom 994-2585  
E-mail: [fsba@fsba.org](mailto:fsba@fsba.org)

Editor  
Andy Williams  
Communications & Consulting  
Tallahassee, Florida  
(850) 508-6202  
[andyw313@gmail.com](mailto:andyw313@gmail.com)

## Upcoming Events

June 11-13 FSBA/FADSS Spring Conference  
Grand Hyatt Tampa Bay  
Qualifying period for re-election

Noon June 16-  
Noon, June 20

July 21-23

Dec. 2-5

NSBA Southern Region Conference, New Orleans  
FSBA/FADSS/FSBAA/FEN/FERMA/FELL/SUNSPRA/  
FASA Annual joint conference, Grand Hyatt Tampa Bay



# Court action sought to derail 65% solution amendment

**T**he Florida School Boards Association has decided to challenge one of the constitutional amendment proposals of the Taxation and Budget Reform Commission.

The constitutional amendment proposal that FSBA and other groups are fighting is one in which two originally separate issues were rolled into one amendment. The first, known as the "65% solution" would require that 65% of school funding received by school districts be spent directly on classroom instruction rather than administration. The amendment leaves it up to the Legislature to decide what is meant by "classroom instruction" and "administration."

The other part of this amendment relates to public funding for all providers. It would amend Article 1 of the

State Constitution to authorize the Legislature to fund private or religious providers of public services, such as health care and education. It would reverse recent Florida court decisions that declared some voucher programs unconstitutional.

Here are the two other TBRC-approved amendment proposals that educators opposed and that voters will be asked to approve in November. Remember, constitutional amendments need to be approved by 60% of those voting.

✓ Replacement of required local effort (RLE) would eliminate these property taxes from the education funding formula and would replace that revenue with sales tax revenue. This would have a severe impact on school funding.

✓ Repeal of the "No Aid" provision,

also known as the Blaine Amendment, would strike a portion of the state constitution that forbids public dollars going to any religious denomination. (This could open the door to more voucher programs for private schools.)

Ruth Melton, FSBA's legislative relations director, described the commission's overall work as "disappointing." Worse, those issues, if voters approve them, are "likely to cause profound—and possibly irreparable—damage to public education in Florida."

The TBRC, which met in 2007 and 2008, is mandated by Florida's constitution to review every 20 years the state's budget and taxing structure. Appointed by legislative leaders, including the governor, TBRC has the ability to place constitutional amendment proposals directly on the November ballot without legislative approval.

## Local funding

### *What other districts are doing*

**T**he Lee County School District is "looking at every possible way to balance its budget without impacting the classroom," commented FSBA President Jeanne Dozier, Lee County School Board. "To that end, we are closely examining all programs that are not core function programs. If they do not meet the district's goals and objectives, then they are being eliminated."

In addition, she added, "the district is also collapsing and merging departments where a duplication of effort has been identified."

FSBA President-Elect Beverly Slough, St. Johns County School Board, said the district has "reduced custodial and support staff by one each at every facility. We have cut one dean from every middle and high school, we have frozen the filling of vacancies at the district office, which translates to us being down two directors and several support people."

She added that every department at the district level "has cut its budget by 25% and schools have cut their supplies and materials budgets by 20%. We have discontinued all transportation that is not mandated by law."

The district is also asking more of its middle school teachers, requesting they teach six of six periods "rather than five of six." St. Johns has also instituted "a mandatory four day work week through the summer. We have reduced our textbook budget by \$500,000, paid for in

part by delaying the adoption of a new reading series. We are looking to save about \$1 million on property/casualty insurance and \$400,000 through energy savings. The school board itself has reduced our support staff to 50% of one position and reduced our operating budget, including travel," she added.

She said "the most eyebrow raising adjustment we have made is the reconfiguration of start/end times for the various levels. Next year, middle school will begin first, followed by elementary and then high school. This saves significantly on transportation costs."

Finally, "no one is getting raises this year. However, our district is absorbing the entire cost of the increase in health insurance. Normally, the district covers the first 5% and the employee any additional."

FSBA Treasurer Lee Swift, Charlotte County School Board, said his district "saw this coming and instituted some money saving plans throughout the year to build our contingency fund."

He said the district, "at this time" doesn't anticipate any layoffs. "We have reduced expenditures in about every area possible and are already planning for the next round of cuts that will probably come in November, December. We were also fortunate in that we had some non-recurring revenue to apply to offset some of the expenses."

However, he added, "one of my big fears is what will happen if our county has a substantial reduction in assessed (property) values. That could have a real ripple effect that we might not be able to provide for."

# From the President

By JEANNE DOZIER

## Thank you!

**A**lmost one year ago, as I was being installed as your 2007-08 president, I laid out for you several goals revolving around one theme: technology. I felt then, as I do now, that technology can enhance and energize public education. I called it "power tools for schools."

I realized that technology can be the tool to help bring quality, equity and diversity to all of the students under our care. To encourage districts to illustrate how they're using technology, I suggested, and helped FSBA establish, its first Innovative Technology Awards program. The first awards were presented last December at the FSBA joint conference in Tampa. Awards, including cash, were given to three districts based on their size. We hope to issue three more awards at the Spring Conference next month.

Technology has made the world smaller because our students here in Florida can interface with students around the world...all of this through the use of technology. So as we strive to provide a world-class education for our students, technology must be part of our plan. I hope you have acquired, and will continue to acquire, tools that will make you better advocates for the children you serve.

School boards have always recognized the importance of providing new technology for our schools...all in an attempt to keep education relevant to today's students, and to help teachers be more efficient and effective. While my term as your president ends next month, I will continue to urge districts to focus on technology. Every one of us must be committed to providing whatever resources we can for our students and faculty. Today, more than ever, this commitment is vital.

My challenge to you as my presidency winds down is for each of you to continue to grow the technology programs in your schools. We must remain vigilant to recognize new technologies when they emerge and put in place policies that not only allow these new resources to be used, but used in a productive and appropriate way.

Another accomplishment this year was establishment of the Florida Learning First Alliance. We held our first meeting last fall with some nine organizations representing school boards, superintendents, principals, teachers, businesses, cities, counties, and universities participating.

The national Learning First Alliance was created in 1996 by the National School Boards Association and 11 other national education organizations. Since then it has grown to include more than 17 members with more state-sponsored alliances on the way. One of its goals is to focus on student learning, to create safe and nurturing places that promote student achievement and foster community and parent engagement. Another goal is to encourage greater involvement in education from the business community, local governments and parents.

As Dr. Jack Lamb, Hillsborough County School Board and FSBA's Learning First Alliance Committee chair, commented at the organizational meeting: "It is our hope that the FLFA

will serve to highlight and strengthen the links between a high quality public education system and strong economic development. We want to branch out and bring our community in with the schools."

Dr. Wayne Blanton, FSBA's executive director, told the group: "If business thrives, education will thrive and if education thrives, business will thrive. I really think that education and business should speak on as many (education) issues as possible with a single voice."

It was an excellent start to what I hope will be a continuing dialogue between many diverse groups. As I said then, "We might not agree on everything but we can come together and do what's best for education and the children of Florida."

Another area of which I'm proud is our participation in the national "Be There" campaign designed to encourage parents to become more involved with their students' education.

FSBA was well represented by many of your officers and others at the NSBA Delegate Assembly in Washington, D.C. In addition, Florida hosted this year's annual NSBA Conference in Orlando at the end of March.

I am proud of how your association utilized technology to keep you informed of legislative happenings in Tallahassee. While the Legislature was in session, we supplied you, by email, a daily update on key issues before lawmakers—something we've never done before. In addition, once a week, Dr. Blanton provided you with a videotape overview of that week's happenings. Both the daily updates and Dr. Blanton's video recap are all available from our Web page, [www.fsba.org](http://www.fsba.org).

While this was one of the worst funding years ever for public education, we still must move forward and make the best of what we've been provided.

There are other issues facing us, such as proposed constitutional amendments that, if passed, could have further serious economic ramifications for education. (See the constitutional recap elsewhere in this issue.) You must stay involved and informed. Remember that your FSBA staff is there to serve you and I particularly thank them for all the help they provided me this year.

I know we can all agree that our students and our schools must be held to high standards, and that we all must work to help our students and our schools do their very best. Education can be the most powerful of all tools – the one thing that can cross cultural, ethnic and financial boundaries and can help lift the next generation even higher than where we are today.

It has been an honor and a pleasure to represent you this past year. Thank you for allowing me to serve.



**Jeanne Dozier**

*Mrs. Dozier, a member of the Lee County School Board, is FSBA's 2007-2008 president.*

## School boards challenge charter schools commission

In the coming months, Florida's First District Court of Appeal will decide whether the statute adopted by the Legislature in 2006 that created the Florida Schools of Excellence Commission, giving it authority to control and oversee certain charter schools, violates the state's constitution.

Since its passage two years ago, school districts have maintained the law creating the commission was unconstitutional in that school boards no longer had control over some public schools.

This issue was also one of FSBA's top legislative priorities for 2008 when it urged the Legislature to "repeal all provisions relating to the Florida Schools of Excellence Commission."

"Florida's Constitution clearly states that elected school boards are responsible for the operation, supervision and control of all public schools, yet this new law allows an appointed body to have these powers over public charter schools," said FSBA Executive Director Wayne Blanton.

The 2006 legislation created the seven-member Florida Schools of Excellence Commission, its members which are appointed by the State Board of Education. The law describes the commission as an independent, state-level entity empowered to authorize and act as a sponsor of charter

schools. It also authorizes municipalities, state universities, community colleges, and regional educational consortia to act as co-sponsors of charter schools.

"Florida school boards have a long history of support for charter schools and with that school board support, supervision, and control, charter schools have flourished in Florida," said Dr.

Blanton. "Support for charter schools is not the issue in this case. This case focuses on defending the constitution with respect to the governance and local control of all public schools, including charter schools."

Following the denial last year of 35 out of 38 applications from local school boards seeking to retain exclusive power to authorize charter schools in their respective districts—something the law did allow—20 school boards elected to challenge the State Board of Education's decisions on appeals in various court districts throughout the state.

Subsequently, the cases were later transferred to the First District Court of Appeal in Tallahassee. While some school boards are seeking to have the State Board's decision reversed due to flaws in the procedural process, among other things, several have decided to raise only constitutional challenges. Fourteen of those school boards raising pure legal issues—Broward, Duval, Escambia, Hernando, Lake, Martin,

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Osceola, Palm Beach, Pasco, Pinellas, St. Lucie, St. Johns, Sumter, and Volusia counties—consolidated their cases on appeal to be considered by a single panel of judges.

In mid-April, counsel from Tallahassee law firm Meyer & Brooks, which represents FSBA and those school districts, filed an initial brief on behalf of those 14 school boards, stating two core arguments grounded in Article IX of the Florida Constitution:

(1) Section 1002.335 of the Florida Statutes, which creates the Florida Schools of Excellence Commission, violates the Florida Constitution because it usurps the authority of elected local school boards to operate, control, and supervise all free public schools within their respective school districts; and

(2) Section 1002.335 of the Florida Statutes violates the Florida Constitution by establishing a system of education concurrent with, and an alternative to, the uniform system of public education mandated by the constitution.

Substantially impacted by the Florida Schools of Excellence Commission law is Article IX, Section 4(b) of the constitution which provides that “the school board shall operate, control and supervise all free public schools within the school district.”

School boards argue that this law unconstitutionally vests supervision, operation, and control of certain charter schools—also part of the public school system—in an appointed commission that is not accountable to voters. This violation is compounded by the school boards having to remain responsible for a portion of the charter schools’ funding while at the same time their constitutional authority over such public schools has been unlawfully removed and placed in the hands of a legislatively-created, non-elected commission.

In addition, the school boards argue that the law violates Article IX, Section (4)(a) because it establishes a competing state-level school system in violation of the constitutional mandate that Florida maintain a *uniform* system of high quality public education.

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***“The Florida constitution clearly designates the role and authority of elected school boards in the provision of a high quality system of public education.”***

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For these two reasons, the school boards have asked the court to strike the section creating the charter schools commission (1002.335) in its entirety as unconstitutional.

In its answer filed in May, the State Board of Education contended that the school boards’ constitutional powers are subject to statutory parameters and the prerogative of the Legislature to establish a uniform public school system. According to the State Board, section 1002.335 promotes uniformity and efficiency in Florida’s charter school regime by ensuring the fair treatment of charter schools, which in the past have been disenfranchised by local school boards. Moreover, the State Board argues that the Legislature’s powers should not be nullified or subordinated to the discretion of individual school board policies.

Once the school boards answer the State Board contentions, the case will be assigned to a panel of judges for oral arguments which could take place anywhere from 90 to 120 days later. While the court is under no deadline to issue its final opinion, the First District Court of Appeal, on average, issues a final disposition within 18-20 days after oral arguments.

“The Florida constitution clearly designates the role and authority of elected school boards in the provision of a high quality system of public education,” said Dr. Blanton. “Districts have filed this suit to define that authority and to ensure that public school governance is always close to the people we are elected to represent.”