

Merrett R. Stierheim, Superintendent

SUBJECT: 2004 STATE AND FEDERAL LEGISLATIVE PROGRAMS

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

The proposed 2004 State and Federal Legislative Programs have been prepared by staff and are attached for the Board's review and approval. The development of both programs included input from many groups including: School Board Members, executive staff, school-site personnel, Educational Excellence School Advisory Council (EESAC) committees, municipal mayors, parent groups, employee organizations, and citizen groups.

STATE PROGRAM

The proposed State Program identifies six legislative priorities including education funding, capital funding, education, workforce development, personnel management, and safe schools. These priorities will be the major focus of our state lobbying team and are further defined below:

FUNDING FOR EDUCATION - Adequately and equitably fund the Florida Education Finance Program (FEFP), taking into account actual student enrollment, the cost of living and other equalizing features in the formula, inflation, and the actual cost of delivering programs to special populations while providing for flexibility in use of categorical funding at the local level. Oppose any unfunded state mandates.

CAPITAL FUNDING – Establish a stable, long-term revenue source for the development and maintenance of K-12 educational facilities sufficient for the actual capital outlay needs of districts based on existing student station deficits, projected enrollment growth, necessary replacement of facilities, and provide for cost enhancements associated with varying local construction costs, state-mandated requirements such as emergency shelters and adverse environmental conditions. Extend the deadline to commit reserved Public Education Capital Outlay (PECO) funds and ensure that local districts capture cost savings by providing for a sales tax exemption on all equipment and materials used in the construction and maintenance of educational facilities.

EDUCATION – Unify the State and Federal Accountability systems and ensure that every option and opportunity are provided to all students to graduate on time with a regular diploma so that they may be successful, responsible citizens of the state, whether they choose to pursue post-secondary education or join the workforce.

A-2

WORKFORCE DEVELOPMENT – Increase Workforce Development funding, ensure it remains a separate funding category, and support continuation funding for adults with disabilities. Provide increased funding weights and mandate industry certification for secondary technical education programs.

PERSONNEL MANAGEMENT – Assist in the recruitment and retention of education professionals by streamlining the teacher-certification process for foreign-born educators. Create a state-funded health insurance/prescription drug program for retired educators, and clarify the statutory definition of School Administrators.

SAFE SCHOOLS – Increase funding for safe schools, provide for Florida Department of Law Enforcement (FDLE) block grants to include operational school police departments, ensure the safety of students and staff by restricting access to information related to school security plans and support legislation that enhances the penalties for crimes against public school students and staff.

These priorities were identified based on the district's needs and are aligned with the Board's strategic goals of preparing students from school to career, providing a safe and effective learning environment, and developing efficient management practices.

Other issues identified through the legislative program development process will be monitored by the district's legislative staff and the Board's position advocated for as opportunities arise.

The 2004 Regular Legislative Session is scheduled to commence Tuesday, March 2, 2004.

FEDERAL PROGRAM

The Federal Legislative Program remains substantially unchanged from that adopted by the Board on December 11, 2002. Proposed additions to the Federal Program for the second year of the 108th U. S. Congress include:

Higher Education Act reauthorization;
Head Start reauthorization;
Increase funding for HIV and AIDS prevention and education;
Streamline teacher-certification for foreign-born educators; and
No Child Left Behind Act modifications.

The second year of the 108th U. S. Congress will commence January 6, 2004.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

1. adopt the proposed 2004 State and Federal Legislative Programs; and
2. authorize the Superintendent to advocate the best interests of the district on issues at both the state and federal levels, that may have imminent fiscal, local control, and/or governance impact on school district operations but do not have major policy implications, provided that such issues are reported to the Board.

MT/AMC:nt

MIAMI-DADE COUNTY PUBLIC SCHOOLS

2004 STATE LEGISLATIVE PROGRAM

MISSION/GOAL STATEMENT

Miami-Dade County Public Schools, the state's largest school district, is committed to preparing our students for graduation, post-secondary education, and meaningful employment so that they become responsible citizens of this state.

LEGISLATIVE PRIORITIES

FUNDING FOR EDUCATION - Adequately and equitably fund the FEFP, taking into account actual student enrollment, the cost of living and other equalizing features in the formula, inflation, and the actual cost of delivering programs to special populations while providing for flexibility in use of categorical funding at the local level. Oppose any unfunded state mandates.

CAPITAL FUNDING – Establish a stable, long-term revenue source for the development and maintenance of K-12 educational facilities sufficient for the actual capital outlay needs of districts based on existing student station deficits, projected enrollment growth, the need for replacement facilities, and provide for cost enhancements associated with varying local construction costs, state-mandated requirements such as emergency shelters and adverse environmental conditions. Extend the deadline to commit reserved PECO funds and ensure that local districts capture cost savings by providing for a sales tax exemption on all equipment and materials used in the construction and maintenance of educational facilities.

EDUCATION – Unify the State and Federal Accountability systems and ensure that every option and opportunity is provided to all students to graduate on time with a regular diploma so that they may be successful, responsible citizens of the state, whether if they choose to pursue post-secondary education or join the workforce.

WORKFORCE DEVELOPMENT – Increase Workforce Development funding, ensure it remains a separate funding category, and support continuation funding for adults with disabilities. Provide increased funding weights and mandate industry certification for secondary technical education programs.

PERSONNEL MANAGEMENT – Assist in the recruitment and retention of education professionals by streamlining the teacher-certification process for foreign-born educators; create a state-funded health insurance/prescription drug program for retired educators, and clarify the statutory definition of School Administrators.

SAFE SCHOOLS – Increase funding for safe schools, provide for FDLE block grants to include operational school police departments, ensure the safety of students and staff by restricting access to information related to school security plans and support legislation that enhances the penalties for crimes against public school students and staff.

LEGISLATIVE ISSUES

FUNDING

The Florida Education Finance Program (FEFP) should continue to:

- compensate for **higher district cost of living** by including a **district cost differential**; (*Tri-county*)
- allocate funds based upon actual **full-time equivalent (FTE)** student enrollment;
- provide that the **base student allocation** be based on a budgetary analysis that keeps pace with inflation;
- utilize **program weights** to account for cost variances among programs;
- **equalize features** in the formula; and
- reimburse districts for actual enrollment in programs such as **English for speakers of other languages (ESOL)** and not arbitrarily cap these programs.

Oppose any attempt to set minimum salary levels and circumvent the FEFP funding formula. (*Tri-county*)

Preserve the integrity of the FEFP. Any performance-based funding should be available as an incentive and be funded from new general revenue funds. (*Tri-county*)

Maintain **safe schools, supplemental academic instruction, ESE guaranteed allocation, and instructional technology** as categorical programs and increase to accommodate student enrollment and inflation.

Continue to provide additional **flexibility** in the use of **categorical funding**.

Adjust the equalized **discretionary millage** to reflect tax roll growth and inflation.

CAPITAL OUTLAY FUNDING

Establish a **stable, long-term revenue source for construction, maintenance, replacement, and remodeling** of educational facilities.

Extend deadlines to commit PECO funds maintained in reserve by the Miami-Dade Land Acquisition and Facilities Maintenance Operations Advisory Board.

Repeal statutory limitations on the use of the 2-mill capital outlay levy.

Amend the Classrooms for Kids (class size reduction capital outlay) allocation formula for capital outlay funding to reflect actual capital outlay need and the intent of the constitutional amendment.

Support a sales tax exemption on all equipment and materials used to construct and maintain a public K-12 facility, not limited to materials and equipment incorporated directly into the building, ensuring that the savings are passed on to the school districts. (*Tri-county*)

EDUCATION

Support recommendations of the Universal Pre-kindergarten Educational Advisory Council. (Tri-county)

Support alternative assessments to the 10th grade FCAT.

Unify state and federal accountability systems. If a state has an accountability plan approved by the United States Department of Education (USDOE) as meeting the intent of NCLB, then that state plan determines whether a school is meeting annual yearly progress. (Tri-county)

Modify Florida Statutes relating to accelerated high school options to:

- provide for a date certain that a student/parent must request the accelerated high school option;
- create alternative course work when a student opting for the accelerated 18-credit graduation option fails the 10th grade FCAT; and
- impose limitation on the number of times the student can change options. (Tri-county)

WORKFORCE DEVELOPMENT

Increase Workforce Development funding.

Support proviso language allowing continuation funding for **adults with disabilities.**

Maintain status of Workforce Development funds as a separate funding category.

SAFE SCHOOLS

Increase Safe Schools funding. (Tri-county)

OTHER EDUCATION

Oppose any attempt to eliminate the requirement that textbook publishers maintain the Florida School Book Depository (FSBD).

Support a modification of the definition of "resident" for in-state tuition purposes at Florida's universities and community colleges which will allow certain foreign-born immigrants to qualify for in-state tuition rates.

Provide waiver from FCAT passage for eligible adult students with disabilities in the adult high school credit program.

PERSONNEL MANAGEMENT

Create a **retiree health insurance and prescription drug program** funded by the state. (*Tri-county*)

Clarify the **Statutory Definition of School Administrators**.

Support statutory changes which streamline the process of state teacher certification for foreign-born educators previously possessing equivalent certification in their home country.

FACILITIES MANAGEMENT

Increase limit of authority for **professional and construction services** to \$1.5 million.

Exempt the **cost of building a parking garage** from the cost of a student station.

Amend statutes to allow districts to obtain a **waiver of payment of wetland mitigation** fees, or a discount, in connection with educational facility construction.

Permit school boards, after approval of the annual capital outlay budget, to delegate to the Superintendent **the authority to award contracts** for specific projects within approved budget limits.

OTHER FUNDING

Oppose the imposition of **unfunded state-mandated expenditures**.

Oppose the deletion of **impact fees** unless replaced with another revenue source.

Restructure **secondary technical education programs** to include an **increased funded weight** and **industry certification**.

Oppose any attempt to extend **school district tax-exempt status** or lend the credit rating of a school district to a charter school.

Fund district virtual high schools at the Basic Student Allocation cost factor rate of 1.0. (*Tri-county*)

Study the feasibility of the state assuming property, liability and health **insurance coverage** for school districts. (*Tri-county*)

Amend Florida Statutes to provide for a small business enterprise program; expand current minority set-asides to include small businesses.

Restore 6-8 vocational education program cost factor; the cost factors for 6-8 vocational educational programs were eliminated during the last legislative session.

Repeal Dollars to the Classroom; statutory requirement to transfer monies to classroom expenditures if the district does not meet certain benchmarks.

Provide funding source to districts offering GED testing fee waivers.

Support the creation of a separate funding source to cover the increased costs of construction resulting from the requirement to build emergency shelters in designated school facilities. (Tri-county)

OTHER SAFETY ISSUES

Modify eligibility for the Florida Department of Law Enforcement Block Grant to include school districts with **operational police departments**.

Classify a simple **assault on a school board employee** on the premises of an educational facility as a misdemeanor exception.

Amend Florida Statutes 281.301 restricting the distribution of correspondence, materials, plans, policies or procedures referencing **security plans**.

Amend Florida Statutes relating to the commission of lewd and lascivious acts on a minor; providing for the victim's age to be increased from 12 to 17, extending the statute of limitations for prosecution, and increasing the minimum and maximum penalties when the act is committed by a school district employee or volunteer.

Amend Florida Statutes to provide uniform findings in personnel investigations beyond probable cause findings. Categories should include sustained, exonerated, not-sustained, and unfounded.

OTHER POLICY ISSUES

Restrict legislation limiting school board members' term in office.

Support tax credits for donations to public school educational foundations.

Support increased accountability measures for all publicly funded school choice options.

Oppose voucher programs that lack equitable and sufficient accountability measures.

MIAMI-DADE COUNTY PUBLIC SCHOOLS

2004 FEDERAL LEGISLATIVE PROGRAM

Miami-Dade County Public Schools, the nation's fourth largest school district, is committed to preparing its students for graduation, post-secondary education, and meaningful employment so that they become responsible citizens of this nation.

As the 43rd President and the 108th Congress enter their second congressional session together, we urge the President and Congress to make their commitment to our nation's children by reinvesting in public education.

Individuals with Disabilities

Reauthorize the Individuals with Disabilities Education Act (IDEA) with the following reforms:

(1) **Provide mandatory full IDEA funding** (40% of the national average per pupil expenditures), including preschool, early intervention, and discretionary programs, and provide greater flexibility for the use of funds.

(2) **Reduce paperwork** for Exceptional Student Education (ESE) to permit teachers to spend more time in the classroom.

(3) **Cap attorneys' fees** for litigation of ESE cases.

(4) **Revise discipline provisions** to permit a universal discipline system that can appropriately address the needs of all students including students with disabilities.

Medicaid Reimbursement

Oppose provisions of the **Medicaid Administrative Claiming (MAC) Guide** that discriminate against school districts as legitimate providers of health services to all children, especially low-income, disabled students.

Workforce Preparation

Support increased public **training and literacy opportunities for low-income adults** under the re-authorization of Temporary Assistance for Needy Families (TANF) and Welfare-to-Work (WtW).

Provide funding for building and sustaining the Career Academy Model, combining academic and career training to increase the graduation rates of at-risk secondary students.

Enhance funding and effectiveness of public **vocational training, adult education, and family literacy programs** through reauthorization of the Perkins and Adult Education/Literacy legislation and through improved coordination with partner agencies under the Workforce Investment Act (WIA) and Vocational Rehabilitation (VR) legislation.

Formula-Based Education Funding

Support **reform of the Title I allocation formula** to address funding disparities as identified by the General Accounting Office report of January, 2002, which hinder Title I funds from reaching the nation's poorest students, including over 101,000 eligible children in Miami-Dade County whose 1999-2000 annual allocation would increase by approximately \$9.2 million if funded at the national per-student average.

Support legislative efforts to require **corrective sampling of flawed 2000 Census data** to account for an estimated population undercount of at least 1.9% in Miami-Dade County.

Immigration Impact

Address the impact of federal immigration policies on local school district funds by **increasing Targeted Assistance and Immigrant Education** programs serving foreign-born, limited English proficient (LEP) students and their families.

School Safety

Support adequate funding for **safe and drug-free school initiatives** and authorize school district police forces to receive Local Law Enforcement Block Grant (LLEBG) funds, based on uniform crime reports, to enhance security measures in and around schools.

Support a **Homeland Security** measure that would allow mandatory funding to districts with police departments.

Promote **gun safety to protect children** by authorizing school districts to prohibit the carrying of firearms on school grounds and by requiring child-proof safety locks on all guns.

School Construction

Support any **School Construction Initiatives** that would subsidize school districts for new construction, renovation, or repair of the nation's schools, including:

(1) per-student funding for new construction based on the number of new immigrant students, and

(2) funds for renovating buildings over 30 years of age and replacing or providing historic renovation to buildings over 50 years of age.

Increase funding for the **Qualified Zone Academy Bonds (QZAB)** program, which provides for interest free loans to be secured by eligible school districts, as per the Johnson and Rangel legislation.

Technology in Schools

Support continued funding and streamline refund procedures for the **Universal Service Fund Program (E-Rate)** to provide schools and libraries with affordable access to state-of-the-art networking and telecommunications technology.

School Nutrition Program [PASSED by School Board on March 12, 2003]

Support child nutrition programs that provide access to all children and maintain high standards and integrity for nutrition since our schools play an important role in the development of healthy children.

Higher Education Act [PROPOSED by Office of Human Resources]

Promote coordination between school districts and area institutions of higher education through re-authorization of the Higher Education Act, ensuring that **highly trained teachers** are provided in needed subject areas and that loan forgiveness and other incentives are provided for teachers to work in high poverty schools.

Head Start [PROPOSED by Office of Curriculum and Instructions]

Move jurisdiction of Head Start to the Department of Education (DOE) from the Department of Health and Human Services (HHS), in order to better serve the education focus of quality standards related to academic achievement, including language skills, pre-reading and pre-mathematical knowledge and skills, and cognitive ability.

No Child Left Behind Act (NCLB) [PROPOSED by Tri-County Delegation]

Unify state and federal accountability systems by clarifying that a state accountability plan, when approved by the United States Department of Education (USDOE) as meeting the intent of NCLB, determines whether a school is meeting annual yearly progress.

Teacher Certification

Support statutory changes which streamline the process of state teacher certification for foreign-born educators previously possessing equivalent certification in their home country.

HIV and AIDS Awareness

Increase funding for HIV and AIDS prevention and education.