

August 27, 2015

Iraida R. Mendez-Cartaya, Associate Superintendent
Office of Intergovernmental Affairs, Grants Administration, and Community Engagement

SUBJECT: ADOPTION OF PROPOSED 2016 STATE AND FEDERAL LEGISLATIVE PROGRAMS

COMMITTEE: INNOVATION, GOVERNMENTAL RELATIONS, AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

As in previous years, the Board has actively advocated policy changes through the state and federal legislative process by formulating a legislative agenda. The proposed 2016 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 was initiated by the solicitation of proposals from School Board Members, the Superintendent of Schools, staff, school-site personnel, employee groups, municipal and county governments, and citizen groups. The proposed 2016 State Legislative Program and the 2016 Federal Legislative Program have been streamlined to include priority action items and policy items that provide direction to the Board's legislative team, comprised of staff and legislative consultants. New issues are highlighted with underscores.

The state legislative session is scheduled to commence on Tuesday, January 12, 2016, with interim committee meetings starting this month, September 2015. The proposed 2016 State Legislative Program focuses on a limited number of legislative priorities: Funding; Academics; Accountability Reform; Academics; Capital Funding; School Readiness; Charter Schools; Teacher Preparation/Compensation; Safety; Facilities; Workforce Development; Virtual Education; and Policy Statements. Staff is recommending that the priorities focus on increasing state funding and obtaining a long-term statutory solution to the property value assessment process, the basis of the majority of school district funding.

Miami-Dade County Public Schools' (M-DCPS) biggest fiscal concern is its inability to access the full budgetary increase (total available) in property tax revenue due to a statutory requirement to use the final certified roll issued by the local property appraiser for the purpose of determining school funding. Unfortunately, Miami-Dade is one of a few counties where the property appraiser does not finish the property valuation process within a year.

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Additionally, Miami-Dade's taxable values have been historically overstated by three to four percent by the Property Appraiser. These two factors create a significant funding problem for M-DCPS. As a result, this past year the loss in actual revenue in comparison to projected revenue to M-DCPS was approximately \$32.2 million. Finding a permanent solution to the property valuation process that protects the taxpayer rights to appeal the value of their property but also ensures the children of Miami-Dade County a timely receipt of their equitable share from the education funding formula is critical to long-term budgetary stability.

At the federal level, the 114th Congress enters its second congressional session in January 2016. As the upcoming session approaches, the District will urge the President and Congress to reaffirm their commitment to the nation's children by investing in public education and the hope it provides our society by fully funding the cost of implementing the Elementary and Secondary Education Act (ESEA) thus avoiding potentially damaging reductions in education funding and services. In addition, the long awaited reauthorization of ESEA, the main federal law supporting public schools, is scheduled to take place when Congress returns from recess in the fall. Prior to the August 2015 Congressional Recess, H.R. 5 was passed by the U.S. House of Representatives by a slim margin and S.1177 was passed by the U.S. Senate with bipartisan support. When Congress reconvenes, conference is expected to take place to resolve bill differences.

The proposed 2016 Federal Legislative Program is comprised of ongoing issues including: Federal Education Resources; Elementary and Secondary Education Act; Early Childhood Education; Immigration Impact; School Nutrition; Medicaid Reimbursement; School Construction and Renovation; Student Privacy; Technology in Schools; Workforce Preparation; Health Care; Personnel; and Student Safety.

RECOMMENDED:

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

1. adopt the proposed 2016 State and Federal Legislative Programs; and
2. authorize the Superintendent to advocate for the best interests of the District on issues at the state and federal levels that may have fiscal, local control, and/or governance impact on Miami-Dade County Public Schools' operations, but does not have major policy implications, provided such issues are reported to the Board.

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MIAMI-DADE COUNTY PUBLIC SCHOOLS

2016 STATE LEGISLATIVE PROGRAM

GOAL STATEMENT

The Florida Legislature should establish a five-year strategic plan to restore, stabilize, and increase funding through the Florida Education Finance Program (FEFP) to achieve at least the national average in per pupil expenditures to provide the highest quality education and to enable all of our students to be empowered to lead productive and fulfilling lives as lifelong learners and responsible citizens.

2016 LEGISLATIVE PRIORITY POSITIONS

FUNDING:

Increase the state's investment in K-12 education by increasing the total per student funding by five percent annually.*

Revise the Value Adjustment Board (VAB) proceedings to include:*

- Proof of the property owner consent of an appeal;
- Limit appeal rescheduling to only one for good cause;
- Payment of interest at the market rate;
- Require the VAB to finish all appeals and certify the final tax roll to the property appraiser by June 1st of each year;
- Allow school districts to audit the VAB and the Property Appraiser (PA); and
- Require a review by the state of PA's process when the PA's estimate on July 1st is two percent or more than the state estimate for three or more consecutive years.

Amend state statutes to allow school districts to levy the Prior Period Funding Adjustment Millage based on the property appraiser's estimate of the prior year gross taxable value.*

Modify the penalty for non-compliance with the constitutional class size requirement to be based on the school-wide average for **all** public schools.

Conduct an impartial third-party study to develop a cost of education index which focuses on cost differences integral to K-12 public school district operations reflecting such costs as average teacher salaries, health insurance for employees, property insurance per FTE, and transportation costs per FTE.

Increase Safe Schools funding to minimally pre-recessionary levels and revise allocation formula so that each district's allocation is equal to fifty percent of prior year eligible district expenditures.*

Fully fund the infrastructure cost and the acquisition of computers for the mandated expansion of computer-based administration of statewide testing, and digital content conversion required by 2016-2017.

*Denotes priority issue

Provide school districts funding to cover the full cost of offering dual enrollment courses through incentive funding to school districts/schools that offer such programs and have successful completion of dual enrollment courses by students.

Fully fund and allow school districts to extend the school year by 25 instructional days for the lowest performing elementary schools in lieu of extending the school day.

Amend F.S. 1011.61 to fully fund programs taken by students beyond the 1.0 FTE cap or 25 hours a week such as virtual classes outside the traditional school day and year.*

Eliminate the statutory provision requiring the passage of end-of-course assessment for funding purposes.

ACCOUNTABILITY REFORM:

Revise the current assessment and accountability system to:

- Authorize alternate methods for assessing learning and achievement for special populations such as ESE and English Language Learners (ELL) students;
- Suspend accountability consequences for another year;
- Provide Florida's statewide assessments in multiple languages to English Language Learners that have received instruction for less than three years as allowed by federal regulations;
- Provide a waiver from the passage of the ELA requirement for ELL students that have passed all other high school graduation requirements and have been enrolled in school two consecutive years;
- Delay the implementation of computer based testing (CBT) until all districts have sufficient infrastructure and devices to ensure that testing windows can be reduced in half;
- Include the performance of ELL students enrolled in school for more than two years for accountability on the FSA, and if enrolled less than two years, the Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS) should be used; and
- Eliminate the practice of using student performance on a single standardized test as the sole basis of student and school performance.

Ensure charter and private schools receiving public monies adhere to the same teacher certification, student placement, and progression policies to ensure compliance with federal and state accountability requirements.

ACADEMICS

Establish a Seal of Biliteracy to recognize students who have attained proficiency in English and one or more other world languages.

CAPITAL FUNDING:

Restore the allowable discretionary voted capital outlay millage by .10 mills annually until restoration of the full 2 mills.

Oppose any diversion of Local Discretionary Capital Outlay levy revenue from traditional public schools to charter schools.*

SCHOOL READINESS:

Support state funding for a high-quality, full-day Voluntary Pre-K (VPK) program for all eligible students.

Amend F.S. 125.901 related to Children's Services Council governing boards to provide superintendent designee be a voting member.

CHARTER SCHOOLS:

Clarify that a charter school contract automatically terminates after a charter school has exhausted all of its administrative appeals after receiving two consecutive grades of F or upon voluntary closure.

Allow school districts with charter school enrollment exceeding 15 percent of total student population to limit approvals of charter school applications through a Request for Proposal (RFP) process to locate charter schools in areas of highest need or through the formation of district/charter collaborations.

Allow charter schools to weight low-income and educationally disadvantaged applicants in admissions lotteries as recommended by the U.S. Department of Education guidance to create more integrated schools.

Improve safeguards of tax payer investments and transparency between traditional public schools and charter schools, including, but not limited to, implementing the following safeguards:

- Require charter school applications and lotteries to be monitored by the local school board, or an appropriate independent entity, to ensure a fair, equitable, and transparent process for all students;
- Allow local school districts to negotiate an appropriate usage fee based on market comparables;
- Establish financial disclosure standards and requirements for charter school officers and related parties involved in financial decision making, similar to traditional public school standards;
- Require the state to create a pre-qualification process for charter school applicants;
- Require a letter of intent and documentation of community support by July 1st for the submission of a charter application; and
- Require the same standards of governance, conduct and ethics for public officials to apply to charter school governing board members, charter school corporate officers and employees.

TEACHER PREPARATION/COMPENSATION:

Require the ability for instructional staff to be qualified in order to certify students in vocational areas for industry-certified programs.

Amend state statutes related to the Student Success Act to clarify that:

- Only one annual evaluation is required for teachers;
- Provide for annual supplements in lieu of performance-based salary adjustments for teachers with Summative Performance Evaluation ratings of "Effective" and "Highly Effective;" and
- Eliminate mandated percentages for performance pay salary adjustments to be determined locally by the local school districts.

Provide a three-year transition for student growth measures to become part of the teacher evaluation system as the Florida State Assessment (FSA) and local end-of-course exams are developed and implemented.

SAFETY:

Amend F.S. 514.011 to include a portable pool used exclusively for the purpose of providing swimming lessons or related instruction in support of an educational program provided by the local school board as a "private pool" for purposes of the exemptions provided under s. 514.0113.

FACILITIES:

Provide local school districts the flexibility to use the Florida Building Code in lieu of the State Requirements for Educational Facilities.

Modify the utilization factor for K-8 centers as follows: 100% of FISH for the elementary school student stations, and 95% for the middle school student stations.

WORKFORCE DEVELOPMENT:

Support legislation that attempts to strengthen the role of technical centers in the development of a skilled workforce.

Include representatives from the secondary schools' career and technical education programs in the state's Articulation Coordinating Committee.

VIRTUAL EDUCATION:

Modify the requirement to offer two instead of three different virtual offerings o students every grade level.

Eliminate the requirement for a student to have attended a public school in the state the prior year to be enrolled and reported by the school district for funding for virtual programs.

Modify the current virtual requirement of 1 credit to ½ credit for graduation.

*Denotes priority issue

POLICY STATEMENTS:

Funding

Fully fund class size reduction requirement while providing increases to the Base Student Allocation (BSA) and other components of the FEFP.

Examine Florida's tax structure and phase out sales tax exemptions for non-essential goods and services; ensure that internet sales remit necessary sales tax to Florida.

Oppose the imposition of unfunded, state-mandated expenditures.

Support maximum flexibility in the use of categorical funds and all funds appropriated.

Maintain the integrity of the FEFP and equity of funding among school districts.

Oppose any prescribed expenditure such as the "65 percent solution" as a mandate in the Florida Constitution and further oppose any such legislation, unless established as a spending goal with the definition of expenditures to include all instructional support expenditures.

Oppose compression of the Discretionary Millage.

Support equivalent supplemental funding for the participation and the attainment of a diploma for Advanced Placement, Cambridge (AICE) and International Baccalaureate programs.

Maintain the current required employers' contribution rate to the Florida Retirement System by absorbing any planned increase in local employer's contribution.

Oppose legislation that increases the sovereign immunity liability limits on governmental agencies.

Commit to long-term funding stability for teacher performance pay and teacher evaluation systems.

Allow school districts to locally establish contract provisions inclusive of cost structures with postsecondary institutions related to the delivery of dual enrollment.

Increase ESE per pupil funding to account for both student growth and inflationary cost particularly in level 254 and 255 to provide early identification and intervention services for students with autism.

Support grant funding to create new and innovative programs and academies.

Capital Funding

Provide adequate school construction funding to support new and existing facilities, technology, maintenance, land acquisition and class size reduction needs through the establishment of long-term, stable and recurring revenue sources to fulfill the state's educational facility needs.

Fully fund the Public Education Capital Outlay Program that involves construction and maintenance programs for public school districts and ensure that school districts receive their fair share.

Oppose any further reduction in capital millage available to school districts for the purpose of balancing the operating budget.

Oppose any attempt to equalize the capital outlay levy.

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

Expand the allowable use of a locally voted upon sales tax to include operating expenses that maintain, renovate, or repair existing school facilities or maintain, secure, or upgrade school technology equipment.

Support capital funding for charter schools that:

- Creates neither a reduction of funding to traditional public schools in operating or capital funding nor a requirement for additional taxing mandate on the local school district;
- Requires public input; and
- Protects taxpayers' investment ensuring that capital funding be spent only on assets that can be returned to the public school district.

Governance

Oppose legislation that subverts district governance of constitutionally elected local school boards and elected or appointed superintendents.

Oppose legislation that modifies the governance structure of The School Board of Miami-Dade County, Florida.

Oppose legislation that breaks up large school districts.

Charter Schools

Oppose any changes to current requirements regarding charter conversion of traditional public schools that dilute the role of parents, teachers, and community stakeholders.

Establish a level playing field for traditional public schools by extending the current statutory flexibility such as the exemption from State Education Required Facilities (SREF), categorical funding, accountability, class size reduction compliance and related penalties assessed on charter schools.

Choice

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

Oppose all publicly funded programs that lack equitable and sufficient accountability measures.

Oppose implementation of additional or any increases in funding of choice programs while requiring more accountability from schools receiving Florida Tax Credit Scholarship (FTCS) funding.

Academics

Support legislation that will require high-quality training in reading and English language development for teachers responsible for instructing English Language Learners (ELL).

Support the development of high-quality English Language Proficiency (ELP) standards.

Oppose legislation that would limit offering gifted programs to eligible high school students.

Require the state to provide a minimum of one-year lead time on new state requirements for school districts.

Maintain the current dual delivery system of post-secondary programs.

Support amending F.S. 1019.534 and 1019.535 adding the attainment of the Advanced Placement Capstone diploma as one of the eligibility requirements for Florida Bright Futures Scholarship Program.

Student Safety/Wellness

Support legislation that proposes a "slowing down zone" within an area prior to entering a school zone.

Support funding to provide training for students, parents, teachers, school administrators, counseling staff, and volunteers to learn how to recognize behaviors that lead to bullying and harassment.

Ensure any casino authorized in Florida is at least 1,000 feet from a school or land designated for school purpose.

Support legislation that precludes a child victim or witness to a crime be subjected to a discovery deposition in any criminal court proceeding.

Support telemedicine legislation that facilitates effective and efficient use of technology to provide health services to schools minimizing the length of time students are out of school due to illness.

*Denotes priority issue

MIAMI-DADE COUNTY PUBLIC SCHOOLS

2016 FEDERAL LEGISLATIVE PROGRAM

MISSION/GOAL STATEMENT

Provide the highest quality education so that all of our students are empowered to lead productive and fulfilling lives as lifelong learners and responsible citizens.

As the second session of the 114th Congress convenes, we urge the President and Congress to reaffirm their commitment to our nation's children by reinvesting in public education.

FEDERAL EDUCATION RESOURCES

Exempt K-12 and workforce education spending from budget cuts under sequestration reduction or related budget balancing negotiations, and at a minimum increase funding to meet increased costs due to inflation, increased number of students and critical unmet needs.

Increase the federal investment in public education to fully fund the implementation of the Elementary and Secondary Education Act (ESEA) and Individuals with Disabilities Education Act (IDEA), and enact the IDEA Full Funding Act.

Increase federal entitlement funding to school districts through Title I appropriations for disadvantaged students, Title II for improving teacher/principal training and recruiting, and Title III for English Language Learners (ELLs).

Oppose formula changes that dilute funding for high-need public schools including public portability or private school choice programs that lack accountability.

ELEMENTARY AND SECONDARY EDUCATION ACT (NO CHILD LEFT BEHIND)

Reauthorize and modify the Elementary and Secondary Education Act (No Child Left Behind Act 2001) to:

- Recognize student progress in lieu of the current all-or-nothing approach, and recognize degrees of progress for schools;
- Allow state flexibility to provide two years of language acquisition, prior to ELL student performance results are included in the state accountability results;
- Oppose any effort to dilute Title I, Title II or Title III through consolidated block grant funding or formula changes;
- Maintain the federal "maintenance of effort" (MOE) requirement so that states cannot supplant state dollars with federal funds;
- Oppose any form of choice program that does not have the same level of academic and fiscal accountability by which local school districts are governed or that public school students must adhere to;
- Eliminate sanctions associated with not meeting adequate yearly progress;
- Ensure fair accountability through flexibility for special education students and ELLs as well as other formula adjustments by requiring identical tests for Title I and Title III students in non-public schools;
- Oppose federal testing provisions that create burdens on school districts in meeting required student participation rates;

- Include other indicators for accountability such as dual enrollment, industry certifications, and Advanced Placement (AP) courses, graduation rates, and dropout attendance suspensions in determining Adequate Yearly Progress (AYP) and align accountability standards with those in the School Improvement grant;
- Reward and retain quality teachers by supporting measures that raise pay for teachers in fields with shortages and/or in high-need communities, create career ladder paths, and assist with rising housing costs;
- Establish new qualification requirements for teachers and paraprofessionals to ensure that teachers be highly skilled in content areas, as well as in pedagogy;
- Allow districts to use Supplemental Education Services (SES) funds to provide tutoring to eligible students, as well as pay for monitoring and other implementation costs out of the required 20 percent set-aside, and ensure that public schools not be unfairly prevented from providing remedial services to students;
- Require that funding to SES private providers be contingent on outcomes on norm-referenced assessments developed and administered by the state and/or the district; and
- Allocate immigrant funds under Title III based on the number of recently arrived, foreign-born students.

EARLY CHILDHOOD EDUCATION

Support the reauthorization of Early Head Start/Head Start programs that provides increased funding and appropriate early education standards that are aligned with state academic content standards designed to ensure school readiness.

Support federal funding to develop, expand, and enhance quality voluntary preschool programs while ensuring the adoption of developmentally appropriate early education standards that are aligned with state K-12 academic content standards.

Support the Early Learning Challenge Fund or similar legislation that encourages states to develop effective, innovative child care delivery models that promote high-quality childhood education programs and ensure school readiness.

IMMIGRATION IMPACT

Address the financial impact of federal immigration policies on local school districts as they address the increased demand for immigrant education and integration programs by supporting the Refugee and Entrant Assistance Program's under the Targeted Assistance and Immigrant Education allocation serving foreign-born students and their families.

Support federal funding directly to school districts to address the burdensome costs of serving the needs of unaccompanied children arriving at our schools and to ensure districts' operational readiness.

Support provisions of a comprehensive immigration bill that supports English language literacy, and technical training as well as the DREAM Act or similar legislation that would provide immigration relief to a select group of students who grew up in the United States, have good moral character, and are enlisted in the military or pursuing a college education.

SCHOOL NUTRITION

Support the reauthorization of the Healthy Hunger Free Kids Act that:

- Provides program funds to support the costs of food service employees receiving training and professional development;
- Reduces costly and onerous mandates on school districts; and
- Increases the federal commodity food allocation for school meal programs to support healthy eating options for students and off-set higher costs of purchased foods for districts.

MEDICAID REIMBURSEMENT

Oppose any policy revisions to restrict school-based reimbursement for administration expenditures and certain transportation costs for services provided to low-income children with disabilities.

SCHOOL CONSTRUCTION/RENOVATION

Support supplemental allocations for large school districts with high levels of free and reduced-price lunch participants to implement "green" sustainable projects, including upgrading technology infrastructure, replacing school buses or maintenance vehicles to improve operational efficiency and to reduce the carbon footprint, and extending the useful life of existing school buildings by eliminating adverse indoor environmental conditions that are not conducive to learning.

STUDENT PRIVACY

Support reauthorization of the Family Educational Rights and Privacy Act (FERPA) in a manner that respects student privacy rights without burdensome administrative duties to local school districts, including cumbersome administrative or legal requirements, or opt-out provisions that would jeopardize the role of educational research.

TECHNOLOGY IN SCHOOLS

Support increased resources with local flexibility and expand eligible expenditures to include educational linkage beyond the school for the Universal Service Fund Program (E-Rate) and streamline refund procedures to provide schools and libraries with affordable access to state-of-the-art networking and telecommunications technology.

Increase E-Rate funding to help school districts and libraries achieve and maintain universal broadband service.

Support modifying FCC regulations to provide E-rate funding to school districts, not individual schools, to use based on needs as determined by the districts.

WORKFORCE PREPARATION

Support increased funding to meet the demands for workforce skills development under the Workforce Innovation and Opportunity Act (WIOA), the Carl T. Perkins Career and Technical Education Improvement Act, and related legislation or initiatives, including programs that impact low-literacy and disadvantaged populations.

Preserve the role of district-operated adult education and job training programs.

HEALTH CARE

Retain tax-advantaged status of employee and employer contributions for healthcare premiums and costs including Health Savings Accounts (HSA) and Health Reimbursement Accounts (HRA) as well as Flexible Spending Accounts (FSA).

Delay the implementation of the excise tax currently scheduled to become effective in 2018 under the Affordable Care Act, commonly known as the Cadillac Tax.

PERSONNEL

Enhance resources to recruit, develop, and retain highly-qualified teachers in fragile or low-performing schools.

STUDENT SAFETY

Support legislation that provides supplemental resources to assist school districts in deferring internet crime and cybercrime through awareness and promotion prevention to our students, teachers, and parents.

Support federal funding to local law enforcement and school districts to ensure that schools have well-trained and equipped police personnel to protect children while in schools.

Increase funding for safe and drug-free school initiatives to implement and expand interventions that focus on reducing disruptive and aggressive behaviors and strengthen students' emotional and behavioral competencies.