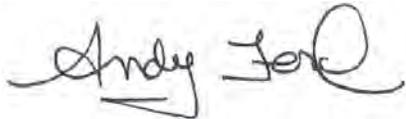


To better assist you with building a stronger infrastructure for a legislative lobbying program, we are providing you information we hope will be of value to you.

Since the new Legislature is just getting their feet on the ground and so far only 60 some bills have been filed (generally there are over 2,000 filed each

session), the materials and information we are providing are works in progress. For instance, the issues papers will be updated as session work progresses and more information is available. Our intent is to make sure you had as much information as possible before the holiday break to help you to begin establishing relationships with your elected legislators before the legislative session goes into full swing

in March. With that said, these documents are for your use as guidance only and not for public dissemination. **Official position papers will be distributed after review and approval by the FEA Government Relations Committee.**



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Non-classroom Instructional Personnel and Non-FCAT Teacher Evaluation

BACKGROUND

Early in the 2011 legislative session, SB 736—also known as the Student Success Act—was passed changing the way teachers would be evaluated. Legislators were told:

- The evaluation process required by this bill was fair because each and every teacher, no matter what their job title or responsibilities would be held to the same requirement – 50% of the evaluation would be based on student performance
- The student data was available, accurate and adequate
- The infrastructure necessary for the full implementation was available through the Race-to-the-Top funding

Now a majority of teachers find themselves facing an evaluation process that includes unsubstantiated student data that is unrelated to either the students or courses they teach. In the case of non-classroom teachers, the student performance data is not associated with their primary job responsibilities. The Instructional Practices portion (teacher observation portion) of the evaluation system differs from district to district and is marked by the lack information about ways to implement the observation tools consistently and fairly from teacher to teacher and school to school.

During the 2012 legislative session, Senator Gibson and Representative Taylor sponsored SB 1380 and HB 1067, which would have removed the requirement of SB 736 basing a portion of certain teachers' evaluation upon test scores of students. The bills addressed the unintended consequences of SB 736 that created a one-size-fits-all teacher evaluation system:

“General Instructional Personnel; Deleting a provision requiring that the performance evaluations of instructional personnel who are not classroom teachers include growth data on statewide assessments for students assigned to the instructional personnel over the course of at least 3 years; deleting provisions authorizing a school district to request that the performance evaluation of a classroom teacher assigned to a course that is not measured by a statewide assessment include the learning growth of the teacher's students on FCAT Reading or FCAT Mathematics, etc.”

The bills would have left the majority of SB 736 in force, including the:

- Requirement that new hires may only be offered annual contracts during their teaching career
- Two salary schedules with the same provisions for selection/entrance, requirements for differentiated pay, and rules relating to percentages in salary adjustments compared to other classifications

- Requirement that teachers who opt for the performance pay salary schedule move to an annual contract for the remainder of their teaching career
- Salary supplements
- Frequency of teacher evaluations for new hires and veteran teachers
- Minimum percentages for student performance data based on number of years of data available Use of FCAT data for all courses associated with statewide assessments
- Definition of terms within the law.

The four significant changes in the bills pertained to the elimination of statewide data for non-classroom instructional personnel and classroom teacher who do not teach subjects measured by FCAT, the statewide assessment. They are:

- For the evaluation of classroom teachers of courses in which enrolled students do not take the FCAT or for which there are no appropriate assessments, **using measurable learning targets based on school improvement plans**
- For the evaluation of non-classroom teachers, **basing the student learning growth portion of the evaluation on a combination of student learning growth data and other measurable student outcomes that are specific to the assigned positions**

- The elimination of the district's option to tie student FCAT data to teachers whose students do not take statewide assessments
- The elimination of the district superintendents option to assign instructional personnel to a team and base the team members' evaluation on statewide assessment data

FEA POSITION

FEA supports fair, transparent, reliable, **accurate**, verifiable and sustainable evaluation instruments.

DISCUSSION POINTS

- More than 60% of Florida's teaching force do not have students who take the FCAT.
- Most school districts do not have end of course examinations or other valid, reliable tests for non-FCAT courses.

- Music, art, science, social studies, physical education, kindergarten, technology are some of the courses for which there is no valid, reliable assessment to determine student growth; teachers of these courses must be evaluated using student performance data for subjects they do not teach. It does not make sense to evaluate a music teacher on reading scores or the PE teacher on FCAT math or the 12th grade physics teacher on 10th grade reading and math test data.

- Kindergarteners do not take the FCAT, but their teachers' evaluations will be based in large part on the reading and math scores of 3rd through 5th graders.
- Profoundly handicapped children cannot take the FCAT; however, their teachers must be evaluated using student performance; ESE teachers student growth data scores are not based on the students they teach daily.
- Guidance counselors, media specialists, speech-language pathologists, school psychologists and other

specialized instructional staff will be judged on school and/or district student performance data. A guidance counselor or media specialist will receive school scores derived from students they may have never met, and district level instructional staff will be assessed using the district's scores even though these instructional personnel areas of expertise and job assignments have nothing to do with reading or math instruction.

- According to the Florida Department of Education, end of course exams and tests for other non-FCAT courses are being developed and will not be available until 2013-14. Nevertheless, half of a teacher's evaluation must be based on statewide assessment data, whether or not that data relates to a teacher's work. This is like using the football team's win-loss record to appraise the band director or crime statistics to determine a lawmaker's effectiveness. In all these situations, there is a tangential but irrelevant relationship.

Charter Schools

BACKGROUND

Charter schools are nonsectarian, public schools that operate under a contract with a sponsor. The charter exempts the school from many regulations applicable to traditional public schools. Charter school operations are funded through the Florida Education Finance Program and charter schools may not charge tuition. Charter school students must take the statewide assessments and most charter schools receive an annual school grade. Teachers employed by or under contract with a charter school must be certified like those in traditional public schools. Charter schools have been allowed to comply with constitutional class size limitations at the school-level average, rather

than at the classroom level required of traditional public schools.

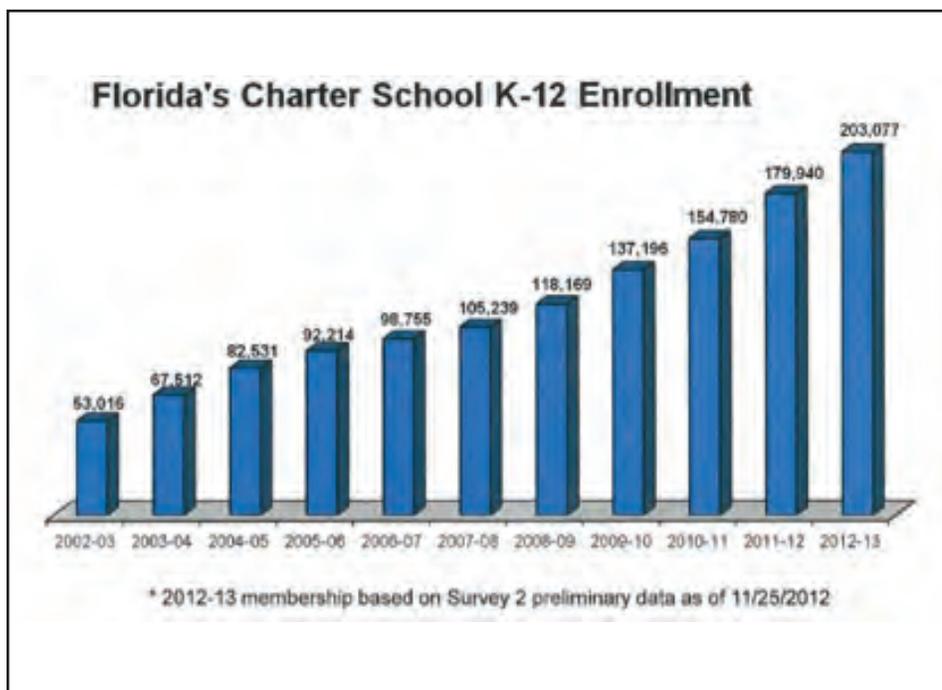
The statutory reference for charter school is s. 1002.33, Florida Statutes, and s. 1002.331, Florida Statutes

Florida’s charter school law was enacted in 1996. In the 2011-12 academic year, there were 518 charter schools operating in 44 of Florida’s 67 school districts and at two state universities.

Approximately two-thirds of Florida’s charter schools are located in seven districts: Broward, Hillsborough, Lee, Miami-Dade, Orange, Palm Beach and Polk.

FEA POSITION

1. Charter schools must be subject to the same federal, state and local accountability systems as the district schools. Further, apply the same laws, rules and regulations to both charter schools and traditional public schools (i.e. class size, selection of students, use of money)
2. We support legislative proposals that ensure the constitutional duty and authority of elected school boards to “supervise, operate and control” public schools, including, charter schools. School board members are the constitutionally elected officers and should have final decision-making authority over charter schools in the district.
3. Charter school spending varies widely and charter school expenditures and funding are not available to the extent necessary to make better apples-to-apples comparisons. Therefore, the claim that charter schools are producing better student outcomes at a reduced cost compared to traditional public schools can’t be substantiated. This is the reason we call for statutory language that would fully disclose cost and expenditure information.
4. We oppose any so-called “parent empowerment” or “parent trigger” proposals that seek to undermine the constitutional authority of the school boards.
5. For small charter schools, the school performance data should be reported while maintaining appropriate student information protections.



6. Florida needs a mechanism to fully examine and have disclosed the relationship between elected politicians and charter operators.
7. We oppose any effort to divert any local tax funds to charter schools without the consent of the school board.
8. Allow districts to charge for the actual cost for all administrative fees.

DISCUSSION POINTS

The Florida Education Association has supported the concept and schools that demonstrate that they can raise student achievement, provide students with safe and productive learning environments, use sound fiscal and management practices, do not unfairly discriminate in admissions, hiring, and personnel policies, and offer quality staff development that support the notion that teachers are professionals who are capable of designing and implementing innovative educational programs which help students reach the goals of the state standards.

But the Florida Education Association strongly opposes charter schools that do not hold students to the same standards as other public schools, that selectivity admit students, that do not fully disclose financial and academic information, and that deny their employees the right to bargain collectively.

Generally:

- Charter schools must be based on high academic standards and students attending the schools should take assessments similar to regular public school students.
- Charter schools should hire certified teachers.
- Charter school employees should be covered by the collective bargaining agreement.
- Charter schools should have their charter approved by the local school district.
- Baseline data that includes demographic and academic information must be gathered to show learning gains and to make valid comparisons to other public schools.
- All charter schools must remain public schools by definition.
- Until true accountability and academic success is documented, Florida should limit the length of operation and number of charter schools.
- Charter school must remain nonsectarian, nonreligious and not home based.
- Charter schools must provide both academic and financial reports to the public.
- Charter schools should be funded at levels that reflect their student enrollment.
- All school employees should be directly involved in the design, implementation and governance of the curriculum and other offered programs.

Class Size

BACKGROUND

The Class Size Reduction constitutional amendment was approved by voters in November 2002 and ever since then has been the target for repeal or revision. Citizens approved the amendment to the Florida Constitution in order to set limits on the number of students in core classes (Math, English, Science, etc.) in the state’s public schools. Beginning with the 2010-2011 school year, the maximum number of students in each core class would be:

- 18 students in prekindergarten through grade 3;
- 22 students in grades 4 through 8; and
- 25 students in grades 9 through 12.

A class is identified as a course/section combination with one or more teachers scheduled in a particular room, in a particular school, in a specified term, and during a specific period and day of the week. The count of students meeting for that class section constitutes the class size.

Courses in academic areas that are defined as core curricula classes are included in the class-size calculation. Chapter 2011-55, Laws of Florida, amended Subsections (14) and (15) of Section 1003.01, F.S., to re-define core-curricular courses by grade groups.

The following definitions are currently in Section 1003.01, F.S.:

- “Core-curricula courses” means: Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding any extracurricular courses pursuant to subsection

- Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding any extracurricular courses pursuant to subsection (15);
- Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding any extracurricular courses pursuant to subsection (15);
- Exceptional student education courses; and
- English for Speakers of Other Languages courses.

“Extracurricular courses” means all courses that are not defined as “core-curricula courses,” which may include, but are not limited to, physical education, fine arts, performing fine arts, career education and courses that may result in college credit. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in Section 1, Article IX of the State Constitution.

DISCUSSION POINTS

- Implementation of class-size reduction has been the surest way to target needed dollars directly at the classroom level. These dollars go directly to funding students, classroom space, teachers and teacher salaries – not bureaucracies. Implementing class-size reduction

is an affordable and effective use of our school money.

- Smaller classes improve retention of our current teachers and improve recruitment of new teachers. With smaller classes, teachers can provide what they want most—a supportive environment for students. This improves morale and professional satisfaction.
- Smaller classes are better-behaved classes and smaller classes reduce dropout rates – an advantage in the higher grades. HJR 919 and SJR 1828 provide no maximum at the individual classroom level in grades 9-12 and would be a major step backwards.
- Florida voters approved smaller class sizes and have repeatedly maintained their support in state-wide polling.
- The issue of cost is almost a moot issue since there is only one significant increase remaining as the final goal, class size measured at the classroom, must be met in 2010-11.
- Research shows that smaller classes improve learning, strengthen discipline, reduce dropout rates and raise students’ grade-point averages. In 1999, the U.S. Department of Education reported, “Studies have consistently identified a positive relationship between reduced class size and improved student performance.” In Florida, student performance has increased in almost every measure since class size reduction became a part of the constitution.

Early learning/VPK

BACKGROUND

The Voluntary Prekindergarten (VPK) program is a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten begun in 2005. A child must be a Florida resident and attain four years of age on or before September 1 of the academic year to be eligible for the VPK Program and parent may choose either a school-year or summer program offered by either a private prekindergarten provider or public school. Funds are distributed to eligible VPK program providers based on the attendance records of children enrolled in the VPK program. The state Office of Early Learning is responsible for administering Florida's Voluntary Prekindergarten program.

The Office of Early Learning coordinates with local and state entities, each

of which are responsible for different aspects of the program. The local delivery of VPK services is coordinated through the state's 31 Early Learning Coalitions. The Office of Early Learning is responsible for monitoring and evaluating the performance of each Early Learning Coalition. Each coalition is governed by a local board of directors consisting of members appointed by the Governor (the board chair and two other members), community representatives, as well as public and private stakeholders. The Early Learning Coalitions coordinate the delivery of services among their local child care providers. Each coalition must serve a minimum of 2,000 children; coalitions struggling to meet this minimum threshold may apply for and receive a waiver from the state to remain operational.

The DOE is responsible for adopting the state's kindergarten readiness standards. The DOE also approves VPK program

curricula for low performing providers, oversees statewide kindergarten readiness screening, calculates kindergarten readiness rates, adopts minimum standards for VPK director credentials, and determines which Child Development Associate credentials qualify for acceptance as college credit. The Department of Children and Family Services administers the state's child care provider licensing program and maintains VPK provider profiles on its website.

Legislators continue to face big decisions about universal pre-kindergarten — how it should be funded, the role of public schools, the education level of the teachers and funding. These decisions are critical to ensuring that Florida's 4-year-olds start school ready to learn. Too many children in Florida still do not have access to high-quality early education programs necessary for the start they need to become successful lifelong learn-

Voluntary Prekindergarten Education Programs			
Program Characteristics	School Year-Programs		Summer Program (s. 1002.61, F.S.)
	Public School (s. 1003.63, F.S.)	Private Prekindergarten Provider (s. 1002.55, F.S.)	
Provider Type	Public school	Private prekindergarten provider	Public school or private prekindergarten provider
Minimum Program Length	540 instructional hours	540 instructional hours	300 instructional hours
Class Size	4 to 20 students	4 to 20 students	4 to 12 students
Prekindergarten Director Credential ²	Not required	Required	Private prekindergarten provider only
Minimum Required Instructor Credential	Child Development Associate (CDA) or equivalent	CDA or equivalent	Florida-certified teacher or bachelor's or higher degree in early learning
Second Instructor for Large Classes (credential not required)	For classes of 12 or more students	For classes of 12 or more students	Not required

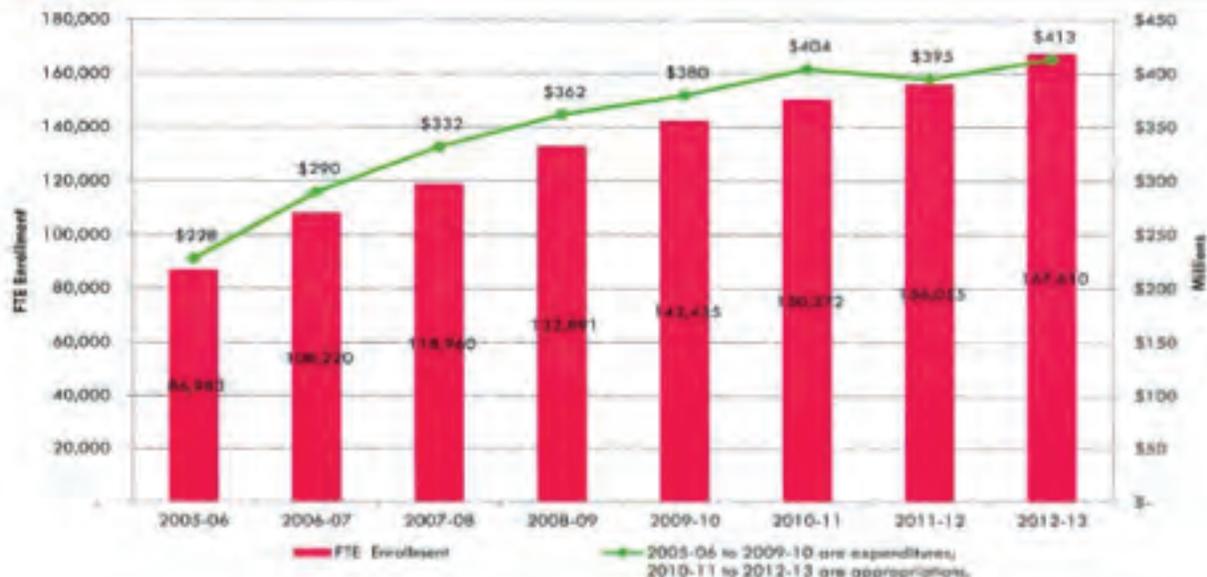
ers in school. What we have learned from research confirms that Florida's continuing efforts to improve education and develop a world-class education system and workforce will be severely hampered without a full state commitment to a high quality early childhood education for all 4-year old students. There is near-universal agreement among researchers that high-quality preschool programs more than pay for themselves in economic and social benefits. High-quality preschool has been found to close as much as half the achievement gap. Preschool participation is also associated with a wide range of more positive adult outcomes, including less drug use, less welfare dependency, higher graduation rates, higher college attendance, and higher employment.

Office of Early Learning School Readiness Funding Formula – the veto of House Bill 5103, the negative audit findings related to the School Readiness funding formula continue to be problematic. While the Office of Early Learning (OEL) has taken steps to address the negative audit findings, the formula currently enacted by OEL for FY 2012- 13 continues to be out of compliance with state law.

FEA POSITION

- A successful pre-kindergarten program supports parents as their children's first teacher.
- All 4-year-old children should have a free, publicly funded, high quality, universal pre-kindergarten program available to them in the public school system.
- Florida should generate and allocate adequate funds in addition to those used for existing education, health, administrative and development programs for all pre-kindergarten students.
- Florida should commit to provide meals, healthy snacks and transportation for all 4-year-olds.
- Public schools should be the primary provider of pre-kindergarten programs, and funding must be allocated to finance them in the same manner as K-12 schools.
- Pre-kindergarten teachers should possess a bachelor's degree and the knowledge, skills and certification needed to teach students to succeed. All pre-kindergarten instructional support staff should possess at a minimum a Child Development Associates (CDA) with benchmarks to obtain an Associates of Arts degree or its equivalent.
- Class size in pre-kindergarten should be limited to no more than 10 students per teacher with no more than 20 children per class with instructional support staff.
- All pre-kindergarten programs should be accredited and adhere to health, safety and discrimination laws.
- All students and programs should adhere to appropriate grade level expectations modeled after state standards.
- A high quality pre-kindergarten program should consist of a 6 hour day and teaching and learning should occur at least 180 days.
- The pre-kindergarten program should be included in a pre-k through 20 system governed and operated by the Florida Department of Education.

Voluntary Prekindergarten Education Program Enrollment & Funding History



“Parent Trigger”

BACKGROUND

“Parent Trigger” was first conceived by an organization in Los Angeles called the Parent Revolution. Parent Revolution was founded by a charter school operator.

Under most parent trigger proposals, if 51% of parents at a school can be persuaded to sign a petition calling for any of a narrow set of options – either firing all the teaching staff, closing the school, or privatizing the school by turning it over to a charter school operator, this must occur...even though none of these options have any record of success.

Parent Trigger laws have gone into effect in several states with disastrous results. Despite the fairy tale portrayal in the movie, “Won’t Back Down”, parent trigger campaigns have been successful at little more than pitting parents, students and teachers against one another.

In 2012, parent trigger legislation was proposed in Florida as the “Parent Empowerment Act.” It passed the Florida House of Representative but died in the Florida Senate in the final days of the session on a 20-20 vote.

Supporters of the so-called parent trigger legislation often mislead lawmakers and the public about what this bill does and who supports it. The fact is every credible parent group in Florida has been opposed to this bill because it is not about parents or students. It is about corporations that want to manipulate concerned parents

into sabotaging their local public schools and turning over public property and tax dollars to them.

Leonie Haimson, executive director of Class Size Matters and a parent advocate in New York City, summed it up best: “The Parent Trigger was devised as an underhanded trick by the charter lobby to manipulate parents into letting them privatize more public schools.”

FEA POSITION

There is no silver bullet solution for turning around struggling schools. FEA believes we need to invest in the classroom priorities that build a foundation for student learning rather than simply turning our children, our school buildings and our tax dollars over to profit driven corporations and hoping for the best.

Parents in other communities have tried the parent trigger, and it’s misfired every time. We can’t afford to risk our children’s future.

DISCUSSION POINTS

- Parent triggers ignite controversy and confrontation instead of collaboration. In Florida, teachers and parent groups are on the same team. The goal is student success and accountability but students –

not profits – must be at the center of reform. Our schools need a call to collaborate, not a call to arms.

- Parent trigger seems like a catchy concept that hasn’t demonstrated any improvement in student achievement in any state. Simply signing a petition to close a school or convert it to a charter school after a school is labeled a failure does not engage parents in any meaningful way.
- Florida’s parent groups are actively working to improve schools through smaller class sizes, less testing, and authentic parent participation rather than failed school choice models.
- Florida public schools are meeting every standard and providing quality educational experiences for students.
- Parents in Florida already have significant statutory rights and privileges by which they can inform and influence the school community, including the ability under current law to convert a traditional public school to a charter school F.S. 1002.33(3)(b). They also are afforded the option of waiving their child’s school assignments at the local level.
- Current research demonstrates that many charter and virtual schools are not meeting the educational mandates required of public schools.

- These bills let private education enterprises market and lobby parents to place their child in a charter school or virtual education, despite the fact that these enterprises have a weak education track record compared to most public schools.
- The research shows what actually works:
 - Parental reinforcement, encouragement and support can advance a child's ability to achieve while contributing to a climate of collaboration in a school. (Henderson, et al., 1994)
 - Genuine parental engagement produces long-term relationships, connects the school community to the larger community and creates structures for becoming involved in a child's education -- for example, accessing all pertinent information about the school environment and educational options.
- A large, longitudinal study by the University of Chicago Consortium on School Research identified five essential, inter-related elements of school transformation: (1) leadership, (2) professional capacity, (3) academic content/instructional guidance, (4) student-centered learning climate, and (5) parent-school-community ties. (Bryk, Sebring, Allensworth, Lippescu and Easton, 2010)
- While no one-size-fits-all approach exists, many communities are building on research-tested models and getting results -- for example, Wicomico County, Maryland; Oklahoma City; and Phoenix, Arizona.
- Reorganizing a school does not magically lead to results. To bring improvement, the new organization must build a greater sense of inclusion and social trust among different members of the community: administrators, teachers, parents and students. (Bryk and Schneider)
- Threatening reconstitution can trigger intense short-term efforts -- like focusing on test preparation -- that may help get a school off probation, but do not lay a foundation for long-term, substantive improvement. (Finnegan and Gross, 2007; White and Rosenbaum, 2008)
- Other unintended consequences often include a stressful atmosphere that encourages many educators to leave—and when they do, strong social and community connections go with them. (Sunderman, 2001; Wong and Agnostopolous, 1998).

“Paycheck Deception”

BACKGROUND

These bills typically seek to prohibit payroll deduction for any union dues and place restrictions on a union’s ability to advocate for their members.

There have been several attempts to pass this bad legislation in Florida over the last decade. Each time, the proponents manufacture a different set of reasons to justify the action. In the end, this is about nothing more than silencing dissent, about using the power of government to single out, attack and silence a vocal minority of Florida’s citizens.

In 2001, some politicians and big businesses manufactured stories about why we needed “paycheck deception”. They said that the teacher’s union had caused the teacher shortage in Florida and claimed that the “emphasis on high salaries of long term teachers”, and the hostile environment created for beginning teachers were the reasons the paycheck deduction exclusions were needed. An April 13, 2001, St. Petersburg Times editorial called all of this the “BIG LIE.” They said then “no bigger lie ever passed any politicians lips...” than the ones issued on this bill.

In 2003, teachers were targeted again with SB 1652 /HB 1357. Proponents again claimed that the teacher shortage was the teacher’s union fault, but this time added that the union was violating people’s first amendment rights by compelling people to support causes with which they don’t agree. The argument conveniently ignored that fact that Florida is a right-to-work state and all employees have the choice to join a union or not. Then Senate President

Jim King voiced his displeasure at this childishness.

In 2006, then Reps. David Rivera and Mike Haridopolos put forth SB 2706 and HB 1059. In this iteration of paycheck deception these legislators simply wanted to “give teachers options with regard to their union dues paid to support collective bargaining.” “Our legislation is about increasing teacher’s control over the wages they earn, and not the unions that would otherwise exert authority over those funds.” They went on to say that by “preventing the government’s ability to withdraw certain funds from a public employee’s salary, we give teachers the choice to support union activities at their discretion” ... again, a strange claim in a Right to Work state.

In 2011, Sen. John Thrasher and Rep. Chris Dorworth filed SB 830/HB 1021; bills that would end employer deduction of union dues and make unions get written permission from members to use dues money for politics. In The St. Augustine Record, Thrasher said, “I think it’s a freedom issue for people who now are conscripted to having their money taken out of their paychecks. I think it’s more of a thing where they can volunteer to decide what they want to do.”

In a right-to-work state the choice of whether to belong to a union or not is wholly the decision of the individual and any notion of conscription is contrived.

FEA POSITION

FEA opposes any attempt to prohibit a labor union from engaging in political speech and any attempt to tell union

members how they may spend their money.

Payroll dues deduction is simply an employee’s private transaction using their own paycheck how they wish, just like the deduction of one’s health insurance premium or charitable contribution.

DISCUSSION POINTS

- The proponents of this legislation have traditionally made wildly inaccurate claims about why the Legislature needs to pass this bill.
- This bill is about one thing – silencing the voices of working men and women, particularly those of police, firefighters and teachers because they don’t always agree with the people in power.
- The bills aim at nothing less than misusing the government to silence political dissent.
- The Supreme Court ruled that corporations and unions could not be restricted in how they spend on politics. Supporting this bill would allow only big business a voice and would attempt to silence real working men and women.
- Florida is a right to work state. None of our members are required to join a union. They join because they want the right, like other Americans, to have their collective voices heard.

Private School Vouchers

BACKGROUND

According to the Florida Center for Fiscal and Economic Policy, Florida is already the leader nationally in the number of students and tax dollars appropriated in voucher programs. Yet policymakers continue to pursue education privatization further and faster than any other state.

In recent years, legislators have shifted hundreds of millions of dollars into programs, with little to no accountability, that serve students in private schools and those operated by for-profit educational management companies while cutting funding for public schools and ratcheting up standards and accountability measures.

These changes in the state's education system move Florida further and further away from the Florida's constitutionally required system of free public schools.

One of several Florida voucher programs, the Florida Tax Credit Scholarship Program provides private school scholarships by diverting corporate tax revenue from the state's general revenue fund to a scholarship-funding organization. The Legislature initially capped the program at \$50 million in tax credits per state fiscal year, but expanded the cap to \$88 million in 2003 and to \$118 million in FY 2008-09. The Legislature increased the tax credit cap again to \$140 million, beginning in FY 2010-11, and authorized the cap to increase by 25 percent whenever credits approved by Department of Revenue (DOR) in the prior fiscal year exceed 90 percent of the tax credit cap for that year, beginning in FY 2011-12. The cap on the amount of credits available to the program will increase to \$229 million for FY 2012-13 and will continue

to increase as annual tax credit amounts meet or exceed 90 percent of the tax credit cap.

Until 2009, tax credits under the program were only available against the state's corporate income tax liability. In 2009, the Legislature expanded the revenue sources against which tax credits can be claimed to include the insurance premium tax. In 2010, the revenue sources against which tax credits can be claimed were further expanded to include severance taxes on oil and gas production; self-accrued sales tax liabilities of direct pay permit holders; and alcoholic beverage taxes on beer, wine and spirits.

FEA POSITION

Although they now siphon off nearly a quarter of a billion dollars a year from the state's budget, voucher schools are largely unregulated, don't have to follow the state's academic standards, don't have to hire qualified teachers and don't have to prove to the state that they are using public money wisely. They only offer a solution to a small number – not all students who attend low-performing schools.

Florida's taxpayers and students would be better served by investing these scarce resources to improve our lowest performing schools and helping all of the students who attend them.

DISCUSSION POINTS

- **There's no link between vouchers and gains in student achievement.** There's no conclusive evidence that vouchers improve the achievement of students who use them to attend private school. Nor is there any validity to claims that, by creating a "competitive marketplace" for students, vouchers force public schools to improve.
- **Vouchers undermine accountability for public funds.** Private schools have almost complete autonomy with regard to how they operate: who they teach, what they teach, how they teach, how – if at all – they measure student achievement, how they manage their finances, and what they are required to disclose to parents and to the public.
- **Vouchers do not reduce public education costs.** Actually, they increase costs, by requiring taxpayers to fund two school systems: one public and one private.
- **Vouchers do not give parents real educational choice.** Participating private schools may limit enrollment, and in many cases may maintain exclusive admissions policies and charge tuition and fees far above the amount provided by the voucher. Unlike public schools, private and religious schools can—and do—discriminate in admissions on the basis of prior academic achievement, standardized test scores, interviews with applicants and parents, gender, religion, income, special needs and behavioral history.

Privatization

BACKGROUND

Privatization involves handing over control of public functions to private companies in two categories:

- **Service privatization:** The government pays a contractor to provide public services; and
- **Asset privatization:** Typically, the government receives money for the building, long-term lease, or purchase of revenue-producing infrastructure, facilities or other assets.

Privatization and contracting out involve giving up control of public structures we all rely on to private companies. Once a public service or asset is privatized, we, the public, lose the ability to have a voice in decisions affecting that service or asset. We also lose the ability to request and view important information related to the privatized function.

Without proper information and a forum in which to voice opinions, the public is effectively shut out of the decision-making process. These services and structures are no longer controlled by a government accountable to the public, but instead beholden to companies who may have entirely different goals and priorities.

Cost overruns combined with hidden and indirect costs, such as contract monitoring and administration, can make privatization more expensive than in-house services for governments. In

fact, the Government Finance Officers Association estimates that hidden and indirect costs can add up to 25 percent to the contract price.

The Government Accountability Office has also found that methods by which agencies and privatization consultants conduct projections and report contract costs can make cost savings appear greater than they actually are. According to a 2007 survey by the International City/County Management Association, 52 percent of governments that brought services back in-house reported that the primary reason was insufficient cost savings.

Faith in the private sector to outperform government agencies is deeply ingrained in the American psyche. However, the facts disproving that belief are steadily mounting. In many cases, private contractors have failed to deliver, leaving communities without vital services and assets. Private companies naturally seek to maximize profits, which can incentivize cutting corners to reduce costs. This can greatly impair service quality and maintenance of vital assets.

This is particularly problematic when talking about our public schools, which have educated generations of Americans and have helped build our democracy and bolster the middle class.

According to the Florida Center for Fiscal and Economic Policy, Florida is already the leader nationally in the number of

students and tax dollars appropriated for 'choice' programs yet policymakers continue to pursue education privatization further and faster than any other state.

In recent years, legislators have shifted hundreds of millions of dollars into programs, with little to no accountability, that serve students in private schools and those operated by for-profit educational management companies while cutting funding for public schools and ratcheting up standards and accountability measures.

These changes in the state's education system move Florida further and further away from the Florida's constitutionally required system of free public schools.

FEA POSITION

FEA believes that various forms of the privatization policy have more to do with profits than quality, and you're looking for trouble when the bottom line is profit, not kids. Private management companies overpromise and underperform. Most have dismal track records. Schools have been shut down, communities have had to sue, and student performance has never lived up to the promises.

Private businesses can and should play a positive role in public education, but it is vital that control of public schools remain public.

Communities, not corporations, must make the decisions about how their schools are set up and run.

Children go to school to learn – not to be a source of profit for shareholders or business executives.

DISCUSSION POINTS

- **Privatizing schools will certainly lead to greater inequalities, as those with better resources will receive better educations.**

We should be going in the opposite direction and working hard to strengthen our public schools, not turn them over to profiteers.

- **Privatization does not necessarily save money.** Contractors frequently underbid to win a contract, raising rates after they get established and agencies have contracted with them. District officials rarely consider “hidden costs,” including the cost of converting public services to private providers and the cost of monitoring and enforcing

the agreement, which the federal government estimates adds at least 4% annually to the total contracting-out cost to taxpayers.

- **Private contractors are less accountable to the public and elected officials.** Private contractors are not required to open their records or decision-making process to the public, and are not covered by open meetings laws or freedom of information acts. Contracting-out increases opportunities for corruption, allowing state and local officials to award contracts to political cronies or family members.
- **Privatization hurts local and state economies.** Privateers are outsiders with allegiance to stockholders, not the community. The goal of any business is to pay dividends to investors, not educate kids. Turning schools over to private management means dollars flow out of the community, out of state and in some cases, out of the country.
- **Communities lose public sector jobs with family-supporting**

wages and benefits, leading to increased social service costs.

Local companies that provide supplies, services or equipment to government agencies lose out when a large contractor wins a bid and their contracts are canceled. Outside contractors attempt to reduce labor costs by hiring minimum-wage workers, on a temporary or part-time basis, leading to a decline in quality of services.

- **There is always a safety factor.** Low wages and less employee screening have led to numerous reported incidents in which children are put at risk in school buses and schools. Private companies’ practice of replacing experienced classroom paraprofessionals with low-paid temporary workers has led to increased turnover in the classroom and a loss of continuity for students.

Florida College System Issues and Legislation

The primary issues of concern for FCS (the Florida College System) fall in the administrative or regulatory arena of state government (and not the Florida Legislature). These issues are:

1. Revising the rule governing continuing contracts for college faculty,
2. The governor's \$10,000 degree challenge, and
3. Implementation of HB 7135, reducing and consolidating general education requirements ("gen ed requirements") that passed during the 2012 legislative session.
4. Developmental education (remediation)

However, legislation may be developed based upon recommendations included in reports from the Higher Education Coordinating Council (HECC) and the Governor's Blue Ribbon Task Force on State Higher Education Reform. Several of the recommendations from these, and other, reform groups are expected to form the framework upon which the Florida Legislature will commence its consideration of higher education reform during the 2013 legislative session. Monitoring of discussions and reports being presented at the various meetings of both entities suggest that there may be recommendations in higher education that will impact the FCS. Among the possible areas are:

1. Revising future approval processes of baccalaureate degree programs at colleges to include input and other participation by State University System (SUS) and the Board of Governors (BOG).
2. Improving alignment between degrees and the job market demands.
3. Performance funding based on completions in STEM, industry certification, salary earnings for graduates and/or other metrics; access, affordability and transparency.

ISSUE #1: Continuing Contracts for College Faculty

BACKGROUND

The Division of Florida Colleges (FCS) within the DOE already has begun work on revising the current rule governing continuing contracts for the faculty at colleges (State Board of Education Rule #6A-14.0411). FCS plans to present the rule revision to the State Board of Education (SBOE) at its January 2013 meeting. The proposed rule revision includes several troubling provisions, including:

- Failing to take into account any existing collective bargaining agreements and their provision for granting continuing contracts and tenure.
- Increasing continuing contract eligibility from three years to five years.
- Imposing post-award performance criteria based upon "quantifiable measurable effectiveness in the particular area of practice."
- Requiring feedback from employers of students.
- Requiring feedback from students and faculty.
- Diminishing the authority and control of college presidents and administrators (and transfers that authority to Boards of Trustees), among other things.

This proposed rule revision is being advanced along a regulatory path, after having failed to pass the Legislature during previous legislative sessions. FEA, UFF and other college and university faculty and leaders throughout the state have posted comments on the DOE website opposing the proposed rule revision. FEA, UFF and other college and university faculty and leaders testified in opposition to the proposed rule revision at an SBOE workshop held on November 29, 2012. The proposed

rule revision is scheduled to be presented to SBOE at its Feb. 18, 2013 meeting. You can view the proposed rule revision and post a comment opposing it by going to <https://app1.fldoe.org/rules/default.aspx> Look for Rule “6A-14.0411” and click on “Submit Comment.”

FEA POSITION

FEA opposes any change to the current SBOE rule governing continuing contracts for college faculty.

DISCUSSION POINTS

1. The proposed rule revisions would result in the virtual elimination of continuing contracts for college faculty by imposing the same kinds of metrics and evaluation requirements on college faculty that SB 736 imposed on K-12 instructional personnel.
2. The current rule is working well, is not broken, and therefore does not need to be fixed.
3. Colleges already have procedures for identifying and dealing with under-performing faculty.
4. The proposed rule revisions focus on quantitative measures (not qualitative measures).
5. The proposed rule revisions marginalize the many complex variables that go into calculating graduation rates. The pressure to increase graduation rates could lead to grade inflation and turn colleges into diploma mills.

ISSUE #2: \$10,000 Degree Challenge

BACKGROUND

Governor Scott has announced a challenge to state colleges to devise academic majors that have potential for immediate employment when students graduate, and offer students the opportunity to complete these academic majors for \$10,000. Thus far, more than 12 colleges have agreed to accept the challenge to offer a baccalaureate degree in some programs for a price point of \$10,000. DOE and FCS have already indicated that they might need legislative changes to state statutes that govern FCS in order to create different course offerings with different requirements, and at a different tuition rates than current statutes require.

Scott announced his challenge on November 26, 2012. Thus far, more than 12 colleges have accepted his challenge.

FEA POSITION

No position has been taken at this time.

DISCUSSION POINTS

1. Florida’s colleges already are among the least expensive in the nation.
2. For the past six years, the Legislature has cut funding for state colleges.
3. Colleges that accept this challenge could only achieve success by cutting tuition and fees for these \$10,000 degrees by almost one-third.
4. Florida needs to invest in education spending instead of asking colleges to create degree programs for which colleges would have to further reduce tuition and fees.

ISSUE #3: Implementation of HB 7135

BACKGROUND

House Bill 7135 (Chapter 2012-195, Laws of Florida) amended Section 1007.25, Florida Statutes, created general education core course options, which will make up 15 hours of the total 30 general education hours (previously 36 general education hours) for an associate in arts or baccalaureate degree. Faculty committees will identify a maximum of five postsecondary courses in each of the general education subject areas of communication, mathematics, social sciences, humanities and natural sciences to make up the general education core.

The general education core course options will be adopted in State Board of Education Rule and Board of Governors Regulation. The other 15 hours to complete the general education requirement are at the discretion of the institution. Students initially entering a Florida College System institution or state university in 2014-2015 must meet these new general education requirements.

STATUS UPDATE

The General Education Steering Committee is made up of five members each from the Florida College System and State University System, and was appointed by each of these chancellors. The Steering Committee will direct the work of the faculty committees and the entire general education project. The Steering Committee has met three times, thus far.

FEA POSITION

No position has been taken at this time.

DISCUSSION POINTS

During consideration of HB 7135 in the 2012 legislative session, FEA leaders and members who are faculty at the state's colleges and universities were generally critical of reducing the general education requirement from 36 hours to 30 hours. The criticism focused on the inappropriateness of accelerating post-secondary completions by choosing a quantitative method that diminishes the quality of the overall quality of the student's academic experience.

ISSUE #4: Developmental Education

BACKGROUND

The effectiveness of the traditional approaches to college prep/remedial education has been receiving a lot of attention across the country and has been the focus of debate by some state leaders. Several colleges have received grant funding to explore alternative modes of delivery. New models are being developed but may require some legislation to enable systemic improvements.

Exploratory stage with some colleges obtaining grants to pursue new and innovative ways of delivering college remediation. DOE has scheduled some discussions and meetings with various colleges.

FEA POSITION

No position has been taken at this time.

ISSUE #5: Virtual Campus

BACKGROUND

The implementation of the Virtual Campus legislation that passed in 2012 (HB 5201) is a priority interest of House Speaker Weatherford. In light of the 2012 failure to secure funding and agreement with the state of Florida, the Western Governors University will most likely pursue an aggressive lobbying effort in 2013. The FCS (and SUS) may be in the midst of major fiscal and policy changes. Technology development, cost factors, articulation and access may be areas of potential legislation and/or funding for next session. In addition, the Legislature funded a study to determine if a "13th state university" that is all "online" is needed. The Parthenon Group will be issuing a report to provide options to the state regarding online education needs. Further, ICUF is proposing to be part of the Virtual Campus and the online registration process.

In addition to implementing the Virtual Campus legislation that passed in 2012, Speaker Weatherford has expressed interest in expanding post-secondary online courses and programs.

FEA POSITION

Online learning should be seen as a supplement to enhance the overall education of our students, but nothing can replace a real teacher in a real classroom.

DISCUSSION POINTS

1. FEA opposes the use of online or distance learning as the sole means of delivering academic instruction.
2. FEA opposes the use of state dollars to pay out-of-state contractors to deliver services that are readily available in state by in-state businesses.

Higher Education Reform Activity

One of the top legislative priorities for the 2013 legislative session will be higher education reform. Governor Scott and legislative leaders have been quoted in the media as expressing the sentiment that now that they have completed the reform of the state's K-12 sector, higher ed reform is next. In fact, the Legislature attempted some higher ed reforms during the 2012 legislative session, but these attempts either failed, or were vetoed by Governor Scott. The governor created several of these higher ed reform task forces or commissions, and in a number of instances, the task forces or commissions were assigned overlapping areas of focus within the higher ed arena.

Legislation may be developed based upon recommendations included in reports from these various reform groups, which are expected to form the framework upon which the Legislature will commence its consideration of higher education reform during the 2013 legislative session. Monitoring of discussions and reports being presented at the various meetings of both entities suggest that there may be recommendations in higher education that will impact the both SUS and FCS

A list of the task forces and commissions appointed by the governor and/or Legislature appear below with a brief description of their recommendations.

Board of Governors (BOG)

BACKGROUND

BOG oversees the SUS (State University System) and also has appointed several task forces of its own. The BOG/SUS task forces have been meeting and compiling recommendations for improvements to the SUS system (including some recommendations on how to deal with the funding crisis universities currently are experiencing). BOG/SUS reform groups include:

- www.flbog.edu
- SUS-BOG Facilities Task Force
- SUS-BOG Commission on Access & Degree Attainment
- SUS-BOG Online University Task Force
- SUS-BOG Performance Funding Committee
- SUS-BOG Strategic Planning Committee

Some task forces and committees of SUS-BOG continue to meet, engage in discussion, and draft recommendations. The Online University Task Force completed its work and submitted their recommendations to the BOG.

Governor's Blue Ribbon Task Force on State Higher Education Reform

www.flhighered.org

BACKGROUND

Created:

May 4, 2012, by Governor's Executive Order 12-104
 First meeting held on May 30, 2012
 Final meeting held on November 6, 2012

Appointees:

Governor Appointee: Dale A. Brill, Ph.D., Chair
 Senate Appointees: Frank Fuller, Ed.D. & Jeff Shuman
 House Appointees: William "Bill" Proctor, Ph.D. & Rep. Marlene O'Toole
 BOG Appointees: Joseph Caruncho & John A. Delaney, JD

Committees:

Tuition/Funding (Proctor & Delaney)
 Accountability (Fuller & Shuman)
 Governance (O'Toole & Caruncho)

STATUS UPDATE

A draft report was issued making recommendations in three specific areas:

1. Accountability
 - a. Enhance metrics-based accountability framework.
 - b. BOG should develop a set of systemwide and institu-

tion-specific metrics detailing expected contributions of each university.

- c. Universities should align their annual and strategic plans with BOG's strategic goals and report individual progress annually.

2. Funding

- a. Florida should be committed to funding the universities at a level comparable to the expectations placed on them through a performance funding system.
- b. A differentiated tuition model should be built on the establishment of specific high-skill, high-wage, high-demand (market determined strategic demand) degree programs.
- c. Create a funding structure that supports the creation and success of preeminent universities.

3. Governance

- a. BOG's strategic goals should specify implications and benefits of achieving the recommended strategic outcomes.
- b. Provide budget control to BOG as a traditional lever for enabling outcomes by connecting goals to resources.
- c. Refine mission statements to derive clarity in each university's roles and responsibilities.

4. For more specific details, click here: www.flhighered.org

Florida Government Efficiency Task Force

www.floridaefficiency.com

BACKGROUND

The task force was created by [Article III, section 19\(i\)](#) of the Florida Constitution to develop recommendations for improving governmental operations and reducing costs. First established in 2007, the task force meets each fourth year and submits its recommendations to the chairperson and vice chairperson of the Legislative Budget Commission, the governor, and the chief justice of the Supreme Court. As enacted in [Section 11.9005 of the Florida Statutes](#), the task force is composed of 15 members of the Legislature and representatives from the private and public sectors appointed by the governor, the president of the Senate, and the speaker of the House of Representatives.

The Government Efficiency Task Force Final Report includes recommendations to increase government efficiency and achieve more than \$3 billion in savings over four years.

Appointees:

Abraham Uccello, Chair

Sen. Lizbeth Benacquisto, Vice Chair

Subcommittee on Education:

Ann Duncan

Belinda Keiser, Chair

Sen. Lizbeth Benacquisto

Michael Heekin

Eric Silagy

STATUS UPDATE

The following final recommendations were issued in June 2012:

State Employee Health Insurance Benefits:

- Establish uniform premium contribution amounts for all classes of state employees.
- Set contributions for all employees at the current contribution levels of Career Service employees. Equalizing contributions at these levels is estimated to save \$34 million per year.
- Implement a defined contribution model for state employee health insurance benefits. A defined contribution model is estimated to save \$250-300 million per year.
- Consider multiple defined contribution options when designing a new defined contribution structure for state employee health insurance.
- Review the state's contribution and adjust for changes in health care costs at a minimum of every three years.

Higher Education:

- Implement a pilot project for year-round school operations in SUS.
- BOG should create a University Review Program.
- Strategies for degree production:
 - The Blue Ribbon Task Force should develop strategies to increase degree production.
 - The Blue Ribbon Task Force should review methods to increase the production of STEM degree graduates in the SUS, and in doing so, consider the actions of HB 7135 and the creation of a statewide STEM strategic plan.
- Optimum facility utilization:
 - The Blue Ribbon Task Force should review and develop a comprehensive assessment tool to evaluate facility usage, including classroom utilization, to more accurately determine the need for PECO funds.
- Funding:
 - The Blue Ribbon Task Force should investigate innovative strategies of funding for higher education.
 - The Blue Ribbon Task Force should find ways to increase transparency in state funding of higher education.
 - The Blue Ribbon Task Force should study the issue of market rate tuition and provide recommendations to the governor and Legislature on its implementation.

State University Procurement:

- SUS should adopt an electronic procurement platform(s) that offers functionality similar to the systems at FSU and UF
- BOG, SUS, and DMS should continue to coordinate their efforts in the area of procurement in order to better manage tracking of spend, contracting, strategic sourcing and best procurement practices.
- DMS and the SUS should identify, and jointly and strategically, source common goods and services in order to achieve maximum savings to both parties.
- State universities should utilize state term contracts to achieve savings.
- The BOG should leverage the creation of Florida Polytechnic to pursue opportunities to implement shared services models across multiple institutions.

Higher Education Coordinating Council (HECC)

www.floridahighereducation.org

BACKGROUND

Created by Florida Statute 1004.015 (K-20 Education Code, Chapter 1004: Public Postsecondary Education) in 2010.

The Council's Legislative Charge

The Higher Education Coordinating Council (HECC) is a statutorily created body charged with working with Florida's postsecondary education sectors for the purposes of identifying unmet needs and facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses or centers. The council is to serve as an advisory board to the Legislature, the State Board of Education, and the Board of Governors, and the council provides an annual report to these bodies. The recommendations of the Council are to be consistent with the following guiding principles:

- To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students.
- To promote consistent education policy across all educational delivery systems, focusing on students.
- To promote substantially improved articulation across all educational delivery systems.
- To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians.
- To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.

Appointees (council membership)

- Commissioner of education.
- Chancellor of the State University System.
- Chancellor of the Florida College System.
- Executive director of the Commission for Independent Education.
- President of the Independent Colleges and Universities of Florida.
- Two representatives of the business community,
 - one appointed by the president of the Senate, and
 - one appointed by the speaker of the House of Representatives.

Accordingly, the current 2012 membership of the Council is as follows:

- Mr. Marshall Criser, III, (co-chair) business representative appointed by the speaker of the House.
- Mr. Jon Moyle, (co-chair) business representative appointed by Senate president.
- Ms. Pamela Stewart, interim commissioner, Florida Department of Education.
- Mr. Samuel Ferguson, executive director, Commission for Independent Education.
- Dr. Ed Moore, president, Independent Colleges and Universities of Florida.
- Mr. Randy Hanna, chancellor, Florida College System.
- Mr. Frank T. Brogan, chancellor, State University System of Florida

STATUS UPDATE

Annual report and recommendations issued in 2011. Draft annual report and recommendations are being drafted and reviewed for 2012.

THE 2011 COUNCIL REPORT AND ITS RECOMMENDATIONS

Per statutory requirement, the council produced a report in December 2011 organized in four key sections:

- The Core Mission of Public and Nonpublic Postsecondary Education Institutions in the Context of State Access Demands and Economic Development Goals
- Data and Performance Measures
- Articulation Policies and Programs
- Workforce Education

Associated with these areas were 36 recommendations made to various entities (the Legislature, the State Board of Education (SBOE), the Board of Governors (BOG), the Articulation Coordinating Committee (ACC), or to the Council itself). In the first draft of its report, the number of recommendations exceeded 80, and the finalization of these recommendations was the result of extended dialogue and debate among council members,

with a good deal of recommendation combining and deleting. It is important to note that these recommendations were crafted with the understanding that the council's report would be a one-time activity. Accordingly, the 2011 report and its recommendations was undertaken as a thorough, deliberative process and resulted in the council's putting forth a wide array of salient recommendations. It was 2012 legislation that called for an annual reporting process.

2012 LEGISLATION (based upon 2011 Report)

Even more significant is that so many key council recommendations were, in effect, incorporated into or resonant with 2012 legislation. For example, House Bill 5201 corresponded to the council recommendation on increasing e-learning opportunities, by establishing the Florida Virtual Campus. The Florida Virtual Campus is intended to establish a single library automation system and associated resources and services that all public postsecondary education institutions will use to support their learning, teaching and research needs; enhance and expand educational access and increase public postsecondary education degree attainment across the state; address the educational needs of traditional students, place-bound students, time-bound students, and adult learners; and increase workforce skills and expand professional development opportunities.

While council recommendations were reflected in more than a single bill, by far the most significant instance was in House Bill 7135, easily the most comprehensive postsecondary piece of legislation since 1995. House Bill 7135 touched on postsecondary education subject areas well above and beyond the purview of the council. However, there were clearly points at which the legislation and council recommendations were similar or at least pertinent to one another. These included:

- Creation by the State Board of Education of a coordinated five-year plan for postsecondary enrollment.
 - Creation of economic security reports for State University System and Florida College System institutions, indicating employment and earning outcomes by degree program.
 - Clarification of mission statements of each Florida College System institution and the system as a whole.
 - Identification of degree programs, including baccalaureate degree programs, to be offered at each Florida College System institution in accordance with the coordinated five-year plan.
 - Reduction of the general education component of postsecondary education to 30 credit hours and identification of core courses for the general education component.
 - Identification of performance metrics for the Florida College System and development of a plan that specifies goals and objectives for each Florida college institution.
 - Adoption by the State Board of Education of a unified state plan to improve K-20 STEM education and prepare students for high-skill, high-wage and high-demand employment in STEM and STEM-related fields.
 - Inclusion of each university's contribution to overall system goals and objectives in the Board of Governors Strategic Plan.
- Addressing in the context of accountability reporting of institutional and system achievement of goals and objectives specified in the Board of Governors Strategic Plan.
 - Authority for the collection of student-level data by the Commission for Independent Education.
 - Identification of Degree of Interest by associate in arts degree-seeking students entering the Florida College System upon completion of 30 semester hours.
 - Demonstration of competency in a foreign language for the associate of arts degree.
 - Demonstration of workforce demand by independent entities for implementing Florida College System baccalaureates.
 - Demonstration of evidence that Florida College System institutions engaged in need, demand and impact discussions with State University System institutions and other regionally accredited postsecondary education providers prior to implementing new baccalaureates.
 - Implementation of Florida College System compliance review reporting with regard to baccalaureates.
 - Implementation of reporting by independent colleges and universities of Florida on student-level data for each student who receives state funds via the William L. Boyd, IV Florida Resident Access Grant Program.
 - Implementation of a performance-based funding program for the State University System with regard to the production of degrees in specific STEM-related areas.

Sector updates at council meetings reveal that implementing the components of House Bill 7135 has been a high priority throughout 2012. The "Sector Highlights" section of this report will capture some of the activity and accomplishments related to conforming with this legislation.

Performance Pay and Merit Pay

BACKGROUND

To improve schools, we need to build and sustain a comprehensive and continuous system of school improvement and organizational growth. Pay for performance may be one component of the continuous improvement system, but it should not stand alone. In order to support the school improvement process, the compensation system must be aligned with the organizational mission and with other organizational operations, such as teacher evaluation, professional development and induction. Schools also must provide the conditions that support teaching and learning. Experience has shown that when developing performance pay plans it is best to start with schoolwide plans as they foster collaboration among school staff and are easier to develop and implement.

Pay-for-performance systems must have well-defined communication procedures, purposeful planning and implementation processes and must be aligned with organizational goals. Careful communication starts with a broad base of support among teachers and school staff, administrators, school boards and community members. Successful planning and implementation require a detailed process for ongoing shared decision-making and ownership by the people affected by the pay system. Ownership is achieved with willing participants and a clear link between teaching practices, their impact on student learning and the reward system. Alignment with the district's organizational goals will provide a stable and purposeful footing that everyone can agree to build upon.

The lessons learned from the implementation of SB 736 seem clear. Successful implementation of merit pay will require

time, money and involvement from teachers themselves. While the theory of tying students' test scores to teacher pay is reasonable, practical concerns dictate that merit pay systems be tested through pilot projects, revised and implemented carefully.

Trying to accomplish too much too soon by a legislative mandate – without investing the time, money and collaboration necessary to do it right – would only create unnecessary turmoil.

FEA POSITION

1. Since every school district is unique, pay-for-performance plans must be developed at the local level.
2. School boards, administrators and unions/associations should work together to build ongoing community and stakeholder support for both the pay-for-performance plan as well as the necessary funding.
3. School boards, administrators and unions/associations should work together to develop and implement the plan utilizing collective bargaining where it exists.
4. In the implementation of the pay-for-performance plan, teachers should be provided assistance including time, curriculum and professional development to increase student achievement.
5. The foundation of the pay-for-performance plan shall be professional-level base salaries.
6. Funding for the plan must be adequate and sustainable.
7. The plan and its requirements should be transparent, easily understood and uniformly implemented.

8. A detailed implementation plan, with agreed-upon benchmarks and timelines, should be developed.
9. The pay-for-performance plan should be based on a multi-factor approach (teacher evaluations, student performance growth, specific goals set by the teacher and/or management, increased responsibilities, assessments of student learning, etc.) that is research-based and improves student achievement.
10. All employees who meet the criteria for pay-for-performance should be compensated accordingly.
11. Teacher evaluations, if a factor in pay-for-performance plans, should be fair, of high quality and rigorous and take into account multiple measures of student progress.

DISCUSSION POINTS

FEA believes teacher compensation should be based on things that make a real difference to our children's learning. Evidence shows that fair pay, high quality professional development and rigorous evaluation encourages teachers and helps to ensure better results for students. No one wants ineffective teachers in classrooms, especially not fellow educators. But, we need teacher assessment and evaluation systems that are rigorous and fair and designed to strengthen teacher practice and improve student learning. Measures of teacher performance should be based on multiple ratings and clear teaching standards. Those who are consistently unable to meet the standard of practice should receive targeted support, and if they do not improve, they should be removed from the classroom.

Florida has a long history of doing perfor-

mance based pay the wrong way. Since the late 1990s, we've wasted precious time, money, effort and political capital on schemes that have failed to produce any meaningful results. Millions of dollars have been wasted on developing and implementing Florida statute 1012.22, BEST, E-Comp, STAR, MAP, and Race To The Top 1. More will be wasted on the newest performance based pay plan, SB 736, unless we are willing to acknowledge why all the others have failed.

Unfortunately, Florida has again put the proverbial cart before the horse. The incentives and sanctions required by SB 736 are far ahead of the infrastructure and technology necessary to align student learning growth with effective teaching practice.

A successful performance based pay plan is contingent on several critical elements:

1. Teachers must be correctly linked to the students they teach. There is currently no system in place that accurately links teachers with their students.
2. There must be sufficient verifiable data to make career-supporting or ending decisions. Value-Added Model [VAM] experts recommend at least three years of data. Florida has only one year of verifiable data available and DOE has no plans to verify historical data. Consequently, some districts are treating 2011-12 as year 1 of the evaluation process and others are treating it as year 3.
3. The data must be appropriate to the subject(s) taught by the teacher. There is minimal or NO subject area data available for approximately 60 percent of Florida's teachers because they do not teach FCAT subjects in grades 4 thru 10.

New teachers, even those who teach FCAT subjects, have no existing data associated with them. PreK-2 teachers, 11-12th grade teachers, PE, music, art, technology teachers have no FCAT scores associated with their teaching position. Tests and data are not yet available to follow student learning growth in any of these courses.

School districts must either:

- Develop data streams for each

teacher using student learning growth or performance data on their own district developed tests;

- OR, (if these district level tests do not exist or there is insufficient student data) create data streams from existing FCAT data tangentially related to a teacher's position by:
 - Determining a comparison pool of similar teachers.
 - Developing their own VAM formula or apply the DOE-developed VAM formula.
 - Arriving at a VAM score for each teacher by comparing them to other teachers in the pool.
 - Correlating these VAM scores with the VAM scores for FCAT teachers.
 - All, while ensuring the accuracy of the data and processes used to construct VAM scores for each teacher.
- 4. The VAM formula must address and adjust for factors that are out of a teacher's control so that teachers are not rewarded or punished unfairly.

This is the first year of a complex system, and we do not know all of the factors that should or should not be included in order to fairly ascertain a teacher's effectiveness.

The Student Growth Implementation Committee (SGIC) worked diligently to include a number of factors in the VAM calculation; however, there was deep concern about other factors outside a teacher's control that may need to be included, such as student discipline, available technology, student homelessness and course complexity. Committee members were assured that many of these variables would be studied over time as the VAM model is implemented.

5. The VAM process must provide understandable, unconditional, conclusive information on teacher effectiveness as it relates to student learning.

Even for FCAT teachers, the method by which the value added data is calculated creates an "uneven playing field" and risks damaging vital collaboration within the school and within the school district.

For the 40 percent of teachers who have FCAT data associated with their teaching position, the DOE VAM formula uses teachers within schools as the comparison pool.

VAM scores for teachers in high performing schools are likely to regress to the mean; it will be very difficult to identify high performing and/or low performing teachers at high performing schools.

Teachers in low performing schools are more likely to demonstrate the extremes in the VAM range: Highly Effective and Unsatisfactory teachers will be more visible in low performing schools, even if their actual teaching performance is equal to that of a mean-score teacher at a high performing school.

Districts are required to set ranges across the district even though the calculation is computed within the school, forcing an apples-to-oranges comparison.

- The viability and usefulness of a complex VAM formula is only as good as the data used in the calculations:
 - Much of the data being used for the VAM model is data that was gathered for different accountability purposes; e.g. daily attendance for FEFP funding.
 - Currently attendance data is gathered as daily attendance, not by course attendance; even though the teacher's value added score should reflect actual student attendance data for each course, it does not. The DOE is beginning this process now, but the data is not available for 2011-12 teacher evaluation computations.
- There is no model available to guide districts as they:
 - Correlate VAM score for FCAT and non-FCAT teachers with statistical fairness.
 - Correlate both elements of the new evaluation system (Instructional Practices and the VAM scores) on differing scales with statistical fairness.

Retirement

BACKGROUND

The harsh changes made to the Florida Retirement System in SB 2100 during the 2011 session have serious consequences for employees, employers and for Florida's economy. Cuts in retirement benefits are painful for employees and the local economy.

SB 2100:

1. Required a 3 percent employee contribution for all members of the FRS.
2. Froze the Health Insurance Subsidy (HIS) at the benefit level accrued by June.
3. Eliminated the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011.

One of the many unfortunate effects of this bill was a pay cut for those who work in our public schools – it took money of their pocket and, consequently, out of local economies. And, when thousands of families have less to spend at local businesses – that means LOST JOBS. (See chart on the next page for district-by-district impact).

Education employees are the largest portion of the FRS system. Even modest changes in the sector have huge impacts to the system. National and state data on salaries and retirement show Florida's educators and staff professionals are already at, or near, the bottom in almost every ranking - yet their performance is at the top. Contrary to some of the perceptions about rich public sector employees, as a percent, Florida's average teacher's salary is below the average pay of all workers.

Senate Bill 2100, passed during the 2011 legislative session, made many changes to the Florida Retirement System (FRS) some of which only apply to new employees first hired after July 1, 2011. FEA filed the lawsuit challenging these changes. The Florida Supreme Court ruled against the FEA on January 17, 2013.

As the 2013 legislative session approaches, Governor Scott and Legislative leaders continue to talk about making additional modifications to the FRS. One of the specific modifications includes the possibility of closing the FRS pension plan to new employees, and forcing all new employees into a 401(k)-type retirement

benefit plan.

The Government Operations Subcommittee in the FL House has already held a workshop on a draft proposal that closes FRS to all new employees effective January 1, 2014, and forces all these new employees who commence employment that qualifies them for FRS participation into a 401(k)-style plan. This same Government Operations Subcommittee has now converted the same proposed draft bill into a proposed committee substitute (PCB) on which they have scheduled a hearing for February 7, 2013.

The Subcommittee is rushing forward with consideration of this PCB without reviewing or considering any actuarial analysis of the fiscal impact of these proposed changes to FRS participation. These proposed changes will adversely impact FRS's financial stability, the long-term retirement security for current FRS pension participants, as well as the impact the long-term retirement security for future FRS participants. The Subcommittee is rushing forward to close the FRS pension plan, in spite of the Subcommittee Chair's stated commitment during the January 24th workshop that the Subcommittee would not pursue any further consideration of the proposed draft until the FL House of Representatives receives the report from an actuarial study of FRS ordered by the Speaker of the FL House of Representatives.

FEA POSITION

- We oppose closing the FRS Defined Benefit plan.
- We are open to ideas for pension and health insurance changes that will save money and make a difference while not diminishing retirement income and security.

Average Benefit for Selected FEA Members (calculated)

Calculated Retirement Benefits for Various Classes - 09-10					
	Avg. salary	yrs	rate	Avg. retirement	per month
Teacher	\$ 46,708.00	30	1.60%	\$ 22,419.84	\$ 1,868.00
Secretary	\$ 31,789.00	30	1.60%	\$ 15,268.72	\$ 1,271.00
Aides (Para)	\$ 17,348.00	30	1.60%	\$ 8,327.04	\$ 693.00
Bus Driver	\$ 17,484.00	30	1.60%	\$ 8,392.32	\$ 699.00
Food Service	\$ 15,385.00	30	1.60%	\$ 7,384.80	\$ 615.00
Custodian	\$ 23,650.00	30	1.60%	\$ 11,352.00	\$ 946.00

- We need a total compensation policy that does not pit salary against benefits and does not needlessly target new workers.
- We do not want changes that cause long-term damage in the name of short-term change.
- Protect all current retirees and fully vested employee benefits and conditions.
- Florida already provides for defined

benefit and defined contribution options for education (regular class) employees. These options should be maintained and continued for all education employees.

- Continue to add transparency, independent oversight, and accountability to the system.
- Retirement system changes should reflect a consideration of total compensation, should be based on the independently verified facts, and

should not disadvantage any class in order to benefit another.

Below is a table that calculates the county by county impact of the 3 percent retirement contribution by school employees. It is important to note that the impact is actually much greater when calculated for all public employees. Below is the '09-'10 district salary amount reported to DOE and the amount the newly required 3 percent contribution has cost each local economy.

	'09-'10 reported salaries	3% contribution no longer spent in economy
Alachua	\$116,563,306	\$3,496,899.18
Baker	\$20,049,246	\$601,477.38
Bay	\$100,960,387	\$3,028,811.61
Bradford	\$14,856,824	\$445,704.72
Brevard	\$300,723,075	\$9,021,692.25
Broward	\$1,129,019,277	\$33,870,578.31
Calhoun	\$10,298,686	\$308,960.58
Charlotte	\$78,849,771	\$2,365,493.13
Citrus	\$75,253,108	\$2,257,593.24
Clay	\$164,843,630	\$4,945,308.90
Collier	\$204,656,300	\$6,139,689.00
Columbia	\$45,534,658	\$1,366,039.74
DeSoto	\$19,533,501	\$586,005.03
Dixie	\$7,399,676	\$221,990.28
Duval	\$491,976,884	\$14,759,306.52
Escambia	\$165,826,015	\$4,974,780.45
Flagler	\$56,667,727	\$1,700,031.81
Franklin	\$5,471,556	\$164,146.68
Gadsden	\$24,422,210	\$732,666.30
Gilchrist	\$11,316,806	\$339,504.18
Glades	\$5,594,175	\$167,825.25
Gulf	\$9,323,599	\$279,707.97
Hamilton	\$8,559,384	\$256,781.52
Hardee	\$20,933,878	\$628,016.34
Hendry	\$25,463,037	\$763,891.11
Hernando	\$94,557,585	\$2,836,727.55
Highlands	\$48,618,371	\$1,458,551.13
Hillsborough	\$859,461,545	\$25,783,846.35
Holmes	\$13,699,372	\$410,981.16
Indian River	\$73,828,100	\$2,214,843.00
Jackson	\$32,561,159	\$976,834.77
Jefferson	\$4,910,859	\$147,325.77
Lafayette	\$4,906,660	\$147,199.80
Lake	\$136,117,162	\$4,083,514.86

	'09-'10 reported salaries	3% contribution no longer spent in economy
Lee	\$329,452,773	\$9,883,583.19
Leon	\$142,640,093	\$4,279,202.79
Levy	\$25,660,167	\$769,805.01
Liberty	\$6,442,391	\$193,271.73
Madison	\$11,051,806	\$331,554.18
Manatee	\$188,441,814	\$5,653,254.42
Marion	\$184,482,814	\$5,534,484.42
Martin	\$88,687,905	\$2,660,637.15
Miami-Dade	\$1,528,220,872	\$45,846,626.16
Monroe	\$53,608,587	\$1,608,257.61
Nassau	\$47,109,538	\$1,413,286.14
Okaloosa	\$126,101,055	\$3,783,031.65
Okeechobee	\$28,667,783	\$860,033.49
Orange	\$682,738,093	\$20,482,142.79
Osceola	\$194,094,298	\$5,822,828.94
Palm Beach	\$788,798,055	\$23,663,941.65
Pasco	\$285,717,008	\$8,571,510.24
Pinellas	\$488,990,060	\$14,669,701.80
Polk	\$362,582,349	\$10,877,470.47
Putnam	\$49,545,087	\$1,486,352.61
St. Johns	\$121,206,446	\$3,636,193.38
St. Lucie	\$155,355,897	\$4,660,676.91
Santa Rosa	\$94,760,193	\$2,842,805.79
Sarasota	\$225,909,033	\$6,777,270.99
Seminole	\$274,144,796	\$8,224,343.88
Sumter	\$25,630,134	\$768,904.02
Suwannee	\$24,007,214	\$720,216.42
Taylor	\$13,020,309	\$390,609.27
Union	\$10,311,158	\$309,334.74
Volusia	\$267,867,607	\$8,036,028.21
Wakulla	\$20,398,271	\$611,948.13
Walton	\$38,355,614	\$1,150,668.42
Washington	\$18,587,825	\$557,634.75
Florida (TOTAL)	\$11,285,344,572	\$338,560,337

Seclusion and Restraint Legislation

BACKGROUND

Much time and effort went into the establishment of the current standards that have been in effect since the early '90s. These standards addressed exclusively the use of reasonable force in public school settings for the express purpose of maintaining and ensuring a safe and orderly learning environment for all students. FEA has long supported reasonable restrictions on the use of any type of physical intervention with public school students particularly when coupled with adequate training opportunities.

House Bill 1073 was passed during the 2010 legislative session, creating section 1003.573, Florida Statutes (F.S.), Use of seclusion and restraint on students with disabilities. This statute creates documentation, reporting and monitoring requirements for the use of seclusion and restraint on students with disabilities. There are concerns among students, educators and parents about the use of seclusion and restraint with students in special education programs. These concerns include: the use of seclusion and restraint when less intrusive measures are preferable; lack of adequate training for staff; inadequate documentation of seclusion and restraint procedures; failure to notify parents when seclusion and restraint are used; and failure to use data to further analyze/address the function of the precipitating behavior(s). FEA

believes that schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. There are instances in which students pose a threat to the safety of themselves or others. The purpose of seclusion and restraint is to prevent injury to self and/or others; they are not to be used to punish a student, or as a deterrent, or to “teach a student a lesson.” It is important to recognize that the use of seclusion and restraint may have an emotional impact on students. Therefore, it is important that such interventions be used only in emergency situations when an imminent risk of serious injury or death to the student or others exists, and in a manner that conveys respect for the dignity of the student.

WHAT IS RESTRAINT?

Restraint is an emergency intervention sometimes used in schools when students are exhibiting disruptive or dangerous behavior. Restraint is not an instructional tool for the development of pro-social behavior. Rather, it is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists. Section 1003.573, F.S., does not provide a definition of restraint but does require documentation, reporting, and monitoring of restraint with students with disabilities. For the purposes of this document, including document-

ing, reporting, and monitoring incidents of restraint, definitions are as follows:

- **Physical Restraint** immobilizes or reduces the ability of a student to move his or her torso, arms, legs or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location.
- **Mechanical Restraint** is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed, such as:
 - Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.
 - Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

- Restraints for medical immobilization.
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

WHAT IS SECLUSION?

Seclusion is an emergency intervention sometimes used in schools when students are exhibiting disruptive or dangerous behavior. Seclusion is not an instructional tool for the development of pro-social behavior. Rather, it is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists. Section 1003.573, F.S., does not provide a definition of seclusion. However, OCR now requires that the Florida DOE report all instances of seclusion and restraint for all students (not just those with dis-

abilities). Documentation, reporting and monitoring requirements for seclusion, discussed later in this TAP, are based on the definition issued by OCR with additional parameters described in section 1003.573, F.S.

FEA DISCUSSION POINTS

Law enforcement officers are trained and have the physical characteristics to use reasonable force. They are trained to deal with conflict and force in the society. The role of educators, on the other hand, is one of caring, nurturing and shaping the future of our national and global resources, Florida's students.

FEA believes very strongly that an educator should not feel compelled to use reasonable force. However, we also

believe that an educator cannot choose to do nothing in the face of a potentially disruptive situation. The educator must exhaust all other options to decrease or defuse the situation. The use of common sense and professional judgment is paramount to these recommendations.

Educators generally are not inclined to use force, recommended "training" as the critical component to the successful implementation of these recommendations. Many of the teachers of students with exceptionalities already have been trained in the techniques of using reasonable force. FEA believes that with appropriate training, school personnel will be able to defuse many potentially volatile situations. We also believe that it was not necessary to mandate a specific training program from the state level. We also believe that each school district should have the flexibility to select the training which best meets its particular needs.

Testing and Accountability

BACKGROUND

To set in motion true progress toward a high-performing education system in Florida, there are five areas that must be addressed in the 2013 legislative session.

- Accountability and Testing (High-stakes testing applied to districts, schools (School Grades) and teachers (VAM), provisions in SB 736 related to teacher retention (see below).
- Funding for public schools and the impact of voucher and charter allocations on public schools (see FEA Funding priorities information document).
- Entry into the teaching profession that includes a performance-based assessment process.
- Establishment of a stakeholder council that is balanced politically and comprised of representatives who are willing to work diligently to make informed recommendations about the processes necessary to build a new state education system (information in forthcoming FEA NBI 2012-1 priorities document).
- Resources and support for state, district and community coalitions to coordinate medical, health and nutritional services for school-aged children and their families (information in forthcoming FEA NBI 2012-3 priorities document).

At the 2012 Republican National Convention, former Governor Jeb Bush called “the need for better schools ‘the great moral and economic issue of our time.’” President Obama also champions public education and its critical function in our

country. Both parties agree – there is a powerful mandate to improve the U.S. education system so U.S. students can compete internationally. However, the parties disagree on the methods. Rather than dispute the means to the end, FEA believes it is more efficient and advantageous to examine and learn from the highest performing education systems in the world. This means a decisive shift from Florida’s existing regulations based on command, control and compliance to structures of **communication, collaboration and cooperation**.

Based on Florida’s statutory and policy decisions in the last decade, current practices suggest Florida’s policymakers and legislators operate using the following premises:

- Teachers, administrators and school support personnel are public employees and must bear complete responsibility for student learning. Other stakeholders, i.e. parents, business and community leaders, may advise and support; however, since they are not paid with public funds, these stakeholders cannot be held accountable.
- The evidence of student learning is FCAT and other statewide summative test scores.
- Student test scores in reading and mathematics, the proxy for student learning, should be used as the primary metrics to evaluate schools and school personnel.
- High stakes evaluations for teachers and administrators, based primarily on students’ growth on tests, will make them improve and thereby improve student test scores.

- The best way to improve schools and school personnel is a “stick” – through an escalation of requirements and standards, assignment of ratings and rankings, and imposition of incentives and penalties.
- The best way of assessing schools is using a complicated, state-designed formula to arrive at simple school grade designations.
- Competition through ratings, rankings, rewards and penalties increases school and school personnel compliance and performance.
- Empowerment means a regulated employee’s choice of the limited options offered by policymakers. Limiting resources and funds focuses energy and effort on state-mandated priorities.
- State policymakers (who advise legislators) have access to research best practices and are in the optimal position to define effectiveness, monitor performance and assess district conformity and progress.

Legislators and policymakers act on the advice and counsel of the Republican-led Excellence in Education Foundation and the Florida Chamber of Commerce. Leaders in these organizations drive PK-20 education policy and spearhead education reform. In 2011, the Florida Legislature passed SB 736. Among the most controversial aspects of this legislation is the inclusion of value-added measures (VAM). The law requires that some measure of student learning growth must be the primary element used to determine every teacher’s evaluation rating. The DOE-adopted VAM formula calculates a score for every teacher with

students who take the FCAT reading and/or mathematics tests. For most districts, VAM is the “only game in town” so some form of VAM is being used for classroom teachers whose students do not take the FCAT, as well as non-classroom teachers, such as guidance counselors, school psychologists, speech-language pathologists, whose work has little to do with learning in reading and mathematics.

Credible statisticians and the educational research community have registered strong opposition to the application of this untested, obscure formulaic process to teachers. Researchers have documented a number of problems with VAM models as accurate measures of teachers’ effectiveness.

1. **Value-added models of teacher effectiveness are inconsistent.**
2. **Teachers’ value-added performance is affected by the students assigned to them.**
3. **Value-added ratings can’t disentangle the many influences on student progress.**

Indeed, these problems and more surfaced with this year’s implementation of the Florida VAM and its correlation with teacher evaluation. The data includes errors and misapplications. Regarding errors, prior to the release of the VAM data to districts, the DOE cautioned districts that the data may contain some inaccuracies and advised them to award an effective rating to teachers whose VAM scores were questionable. On three separate occasions during 2012, the department had to make adjustments after statewide data was published, most recently with the release of VAM scores in early December. Clearly, there are catastrophic problems with this approach. Not only are the models inconsistent, student groupings not random, and contextual, covariant data insufficient, there is also an enormous problem with the foundational infrastructure. For teachers whose students are assessed using the statewide test, Florida VAM process does not have:

- A fail-safe procedure to link students with their teachers.
- A method to gather student attendance data by class period.

- A clear, understandable methodology to explain how student test results are calculated.

Regarding misapplication, it is improper and unprincipled to use VAM scores based on test results from students the teacher has not taught. Kindergarten teachers should not have to use fourth-grade students test results to determine the value they add to their kindergartners learning. Guidance counselors and other non-classroom teachers should not have a significant percentage of their evaluation based on students they have never met and instruction they have never given.

FEA POSITION

FEA opposes most of the requirements levied on districts, schools and teachers contained in the cynically-named Student Success Act (known as SB 736 in 2011). FEA wants:

- A moratorium on current accountability processes including:
 - High stakes decisions related to student promotion or graduation.
 - Use of value-added measures (VAM) for teacher and administrative evaluations.
 - Grading schools and districts using the complex, opaque formula and assigning simple letter grades.
 - Ranking schools and districts.
 - Any plan to rank teachers.
- Inclusion of professional educators and union representatives in decision-making regarding accountability practices at the state, district and school levels.
- Legislative relief from SB 736 requirements that promote perverse incentives affecting collegiality and collaboration, including:
 - Compensation systems including salary schedules and supplement pay that divide teachers rather than support cooperation.
 - Transfer, placement and reductions in force.
- A guarantee that teachers, admin-

istrators and schools have the technology, time and infrastructure to receive, send, communicate and collaborate on student learning data.

- Formative information so teachers can tailor lessons and activities to student learning needs.
- Desktop access to current, timely, comprehensible information and assessment reports.
- Desktop access to test bank questions aligned to standards for classroom use.
- Clear, consistent communication of expectations, changes and modifications.
- Adequate time and resources to implement expectations, changes and modifications.
- Involvement in the development of expectations, changes, modifications, and learning targets.
- Trust in professional educators’ judgment to assess academic, physical, social and emotional progress and accomplishment through evaluation of students’ classwork, projects, tests, as well as team, class, and school activities.
- The development of a new education system in Florida that recognizes the importance of educating every student to high levels of complex content mastery and applying that knowledge to solve practical problems. The system also balances actions that support knowledge acquisition and application with actions that promote independent thought, creativity and innovation. We believe the Common Core State Standards offer significant opportunities to move in this *direction if teachers and administrators have the time, resources and support to make the curricular and instructional decisions*. In addition, in this new system, students learn and demonstrate the “social skills, personal habits and dispositions, and values that are essential for success.” (*Surpassing Shanghai*, Tucker, 2012)

Virtual Education

BACKGROUND

In less than 15 years, Florida Virtual School has become the largest state-funded online K-12 school in the nation, an enterprise with a \$166.3 million budget and close to 1,500 employees and 130,000 students. It offers more than 110 courses, from core subjects like drivers education to electives such as P.E. and guitar.

If the national movement to “reform” public education through vouchers, charters, privatization and virtual education has a laboratory, it is Florida. It was one of the first states to undertake a program of “virtual schools”—charters operated online, with teachers instructing students over the Internet—as well as one of the first to use vouchers to channel taxpayer money to charter schools run by for-profits. There is no doubt that the Internet and the information revolution represent a huge educational and communications advance for society and should be thoroughly incorporated within education. These initiatives, however, are currently being motivated not from the standpoint of expanding quality teaching and learning, but from restricting it and making a profit. The technology of virtual learning has become another vehicle to justify the privatizing of schools and programs and starve the public education system of resources and students.

Since most virtual schools are run by for-profit charters, the operating funds come from taxpayer coffers and are then funneled into various corporations. The fact is that virtual and online education is becoming a new source of huge profits.

FEA POSITION

Online learning should be seen as a supplement to enhance the overall education of our students, but nothing can replace a real teacher in a real classroom.

DISCUSSION POINTS

- Access to computers and upgrading of current school buildings and technology systems and the training of teachers to use new technology continue to be a huge concern.
- Virtual schools have no reliable way to determine if a student at home is cheating on exams by simply “Googling” the answers. This raises serious doubts about virtual school companies’ claims regarding student performance.
- We don’t necessarily oppose the expansion of virtual schools, but several safeguards must be put in place to protect students and ensure

they receive the best education possible.

- We have to make sure that cyber schools don’t become just a cheap way of providing second-rate service to students and school districts. No matter where students live or in what form they receive instruction, all students deserve high-quality teachers, supported by a rigorous program of accreditation and accountability.
- Until these safeguards can be put in place, policymakers should tread very lightly when deciding whether to divert scarce educational resources into virtual schools. To improve education for all, policymakers should focus on improving our traditional public schools so all students can get the well-rounded education they need to succeed.
- We must ensure qualified and certified teachers for all students. Florida must maintain the high standards for teachers of “cyber classrooms” that are required in traditional classrooms. Teacher workload, working conditions and compensation must be monitored. Virtual teachers should have the same benefits, job security and resources as traditional classroom teachers.