



## Florida School Boards Association

*The voice of education in Florida.*

May 16, 2017

Governor Rick Scott  
Executive Office of Governor Rick Scott  
400 S Monroe Street  
Tallahassee, FL 32399

Honorable Governor Scott:

On behalf of the members of the Florida School Boards Association, we are writing to urge your veto of HB 7069. This legislation addresses a variety of issues and includes some provisions that FSBA would support under other circumstances. However, FSBA objects to the process by which the bill was developed, to the inappropriate confiscation of local school board authority, and to some specific provisions contained in the bill. As a result, we consider the bill to be substantially flawed and unworthy of your approval to be enacted into law.

One of our many objections to the bill is that, during a legislative session when leaders proclaimed to be the epitome of transparency in the legislative process, this massive bill was cobbled together behind closed doors. Legislators took a 6-page, single-subject bill, tacked on the content of two very contentious bills, and then added the camouflage of popular provisions from more than a dozen other bills to produce a 274-page behemoth. The resulting bill includes some provisions that are extremely complex and controversial, some provisions that had not been thoroughly vetted through the legislative process, and even some provisions that had been rejected in committee.

It is important to note that many of the provisions of this bill have no impact on the state budget and, therefore, according to Section 2.2 (1) of the *Joint Rules of the Florida Legislature 2016-2018*, did not fit the definition for inclusion in a budget conforming bill. Indeed, before being swept into HB 7069, most of the non-budget related provisions existed as stand-alone bills and/or had been included into another bill – HB 549 – that were not subject to Conforming Bill protocols. It seems possible that these non-budget related items were included in HB 7069 to encourage well-intentioned legislators to support this bill even though the bill also included questionable and unproven provisions that they would not support otherwise.

Furthermore, because the bill was unveiled so late in the process, there was no realistic opportunity for members of the public and, by their own admission, some members of the legislature to even read the bill in full, let alone carefully evaluate its contents and repercussions. To make matters worse, this bill was designated as a budget Conforming Bill which made it subject to the constraints on amendment and passage that apply to a Conference Report so legislators were not free to amend the bill and could offer only their up or down vote. It is important to note that, in the Senate, the bill passed by the narrowest possible margin. We

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believe that this entire process for developing this conforming bill constitutes an abuse of the legislative process in general and the budget conference process in particular.

Another of our major concerns is the manner in which several provisions of this bill confiscate the constitutional authority of the locally elected school board. One example is the provision in the bill that seeks to usurp district control over federal Title I funding. This effort illustrates a lack of understanding of how these funds can be used most efficiently and strategically to reach and serve the maximum number of eligible and most needy students. Instead, the bill puts both targeted and district-wide services at risk while encouraging wasteful and duplicative services at individual school sites. We welcome all suggestions of strategies to improve the delivery of these services and acknowledge that room for improvement exists. However, we cannot condone proposals that fail to recognize local conditions and priorities and that would gut successful district programs and deprive eligible and highly vulnerable students from receiving services.

Another example is the provisions that would confer Local Education Agency status on a charter school system's governing board. This would bestow fiscal authority on the local, state, and federal level to a group of individuals who are not public officials and thus, are not directly accountable to taxpayers. Such a designation for a charter school system's governing board does not appear to be in compliance with 20 USCS § 7801(26)(A) which defines an LEA, in part, as "a public board of education or other public authority legally constituted within a State" and is inconsistent with the provisions of the Florida Constitution that provides that the elected school board "shall operate, control and supervise all free public schools within the school district."

Three specific programs and policies set forth in the bill add additional cause for concern. We support more quickly and successfully bringing about improvements in struggling schools, which is the intent of the proposed "Schools of Hope" initiative. However, we have significant doubts about the efficacy and the appropriateness of this initiative as set forth in HB 7069. Unfortunately, the last-minute presentation of this bill prevented the opportunity for all legislators, many who have insight into these issues, to negotiate through the conference committee process to correct some of the imperfections in the policies and the hurdles to successful implementation of this program as currently proposed.

Similarly, we support efforts to recruit and retain effective teachers but we believe that the latest version of the "Best and Brightest Teachers and Principals" program outlined in HB 7069 falls well short of the broader and more comprehensive proposals that you outlined in your own budget recommendations earlier this year.

While these two programs are deeply troubling, our most significant concerns revolve around the requirement that school districts distribute local capital outlay millage revenue to charter schools. While we have a number of objections, the most compelling of these is that the bill would require, rather than allow as many already do, districts to distribute limited local funds to charter schools that may have no compelling need for the funds. This is a marked departure from how local capital outlay funds are distributed to traditional public schools which is dictated by the

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district's state-approved capital outlay plan of prioritized needs. This can and will result in an unacceptable inequity in which a charter school will be receiving funding for what may be desirable, but not necessary, capital improvements while more pressing capital needs of a traditional public school would remain unmet and are distributed only on an as-needed basis.

Coupled with the strained education budget adopted by the Florida Legislature, we believe that the enactment of HB 7069 will produce a legacy of issues for the Florida Legislature and future Governors of this state. When asked about a possible veto of this and other legislation passed during this session, you are on record as saying, "I'll look at what's good for the state and I'll make the decisions."

For the above reasons, and to ensure that the great State of Florida can continue to meet our constitutional obligation to provide equal access to quality education for all Florida's 2.8 million public school students, we look to your leadership as you consider the implications of HB 7069, and we ask you stand up for Florida's future, do what's good for the state, and veto HB 7069.

Sincerely,



**Andrea Messina**  
Executive Director



**Tim Harris**  
FSBA President  
Polk County School Board

Cc: Kim McDougal, Chief of Staff

Ashley Spicola, Education Policy Coordinator

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