

## LEGISLATIVE UPDATE

April 2017

By Lori Fayhee

***As I was writing a briefing on a different Senate bill, the Florida Senate Education Committee abruptly postponed consideration of testing bill SB 926, which was slated to be heard March 27th.*** This was especially interesting because R Sen. Tom Lee postponed it due to his concerns about a series of amendments by R Sen. David Simmons that would have moved Flores' bill, SB 926, closer to Montford's SB 964 testing bill. Lee called it a Republican attempt to hijack the legislation.

Public Education impacts your life and community. Currently, one in five Florida high school students, fail to earn a high school diploma. (In Lee County, a quarter of our students leave high school without a standard diploma.) One projection calculated that increasing the high school graduation rate to 90 percent for the Class of 2012, in Florida, could have boosted the economy by \$436M increased annual earnings, \$344M increased annual spending, \$830M increased home sales, and \$23M in increased annual state/local tax revenues. A 2002 study on the effects of education on crime found that a one-year increase in the average years of schooling completed reduced violent crime by almost 30 percent. According to FBI's 2013 Uniform Crime Report, Florida's violent crime rate overall is fifth highest in the country. Of the state's 21 cities with populations of at least 100,000, seven have violent crime rates that are at least double the U.S. rate. Homestead, Daytona Beach, and Fort Myers are the most dangerous cities in Florida. Public Education should matter to us.

Florida students in grades three through ten began the standardized high-stakes testing for reading and math on March 27th through the 31st and will continue April 18 through May 12. Remember, these tests do not determine student mastery. Each year roughly 43% of all students in grades 3-8 and 50% of all students in grades 9-10 fail these tests due to the cut score established by the State Board of Education. Students must pass these tests to be promoted to the next grade and to earn a standard high school diploma.

SB 964, which I reported on last month, is not on the agenda. Although both bills delay tests until the final month of the school year, the un-amended version of SB 926 does not reduce the number of tests, makes the already flawed Florida Standard Assessment (FSA) harder for children to pass, and advances competency-based education, which essentially replaces teachers with computers. Senate Bill 926 would more appropriately be called the "Fewer Will Pass the Tests" Bill.

Remember recess from your elementary school days? Due to state mandated high-stakes testing and test preparation, many Florida children have never experienced school recess. In 2014, Lee County School Board voted to mandate 15 minutes of supervised, unstructured free play (recess) per day for our students in K-5. However, most Florida elementary students don't have recess. This lack of common sense in all involved adults has necessitated the involvement of Florida Legislators. Unfortunately, the Recess bill, HB 67, was recently amended to only require at most, two days of recess per week for students in grades K-3. A third of all elementary students, fourth and fifth graders, won't have any guarantees of any recess in Florida again this year.

And so another year is passing with no relief from the excessive, expensive, and high-stakes testing. Please remind your legislators that our bottom line objective for public education must be less testing and more learning. To accomplish this, legislators must stop kicking the can and end the mandated exit exams which rank students but do not determine a student's knowledge. Florida must stop using these exams for promotion and graduation decisions. Our students deserve a paper and pencil test that accurately measures student mastery and can provide rapid feedback.

For a better economy and a lower crime rate, Florida must create an honest, fair, and clearly defined path in which students can earn a standard high school diploma. Please ask your legislators to do this now while Florida's violent crime rate overall is still only the fifth highest in the country.

**HB 843 Sunshine Law legislative summary April 2017** Do Sunshine Laws provide transparency? What would you say about dimming the glare of Florida's Sunshine Laws just a bit? Representative Byron Donalds (R-Naples) recently introduced bill (HB 843) that would allow two members of an elected public board or commission with five members or more to meet privately to discuss board issues and this bill has created quite a storm of opposing opinions.

The Florida Sunshine Law is a series of laws designed to guarantee that the public has access to the public records of governmental bodies in Florida. Florida Legislature passed this law in 1995, exempting themselves from these same constraints. The laws prohibit any government official, whether local or state, elected or appointed, from communicating with another official about official business outside of a public meeting.

Lee County Commissioner Frank Mann was a member of the Legislature when the Government in the Sunshine Amendment was added to the state Constitution. When providing his opinion to the local paper about HB 843, Mann was quoted as saying, "I don't think it will receive any energy, it is so violently in opposition to what we've become accustomed to, in government in the sunshine and open government." How happy are we with what we have become accustomed to in our open government?

The News-Press, who is vehemently against what they refer to as "Donald's misguided bill", asked all local elected leaders who are members of governing boards that fall under the scope of the bill for their views on this legislation. In response, many local politicians were non-committal, as politicians will be, and several politicians publicly stated that they support the current Sunshine Laws that they were elected under. However, there were a number of various City Council members and Lee Health Board Members who honestly stated that they see a community benefit to allowing local boards to have the same freedoms offered to Legislators. In the words of Forrest Banks, Fort Myers City Council, 'Our constituents elect us to do a job. Trust us to do it.'

Shedding some light on HB 843, here are the facts: HB 843 would allow two members of a board to meet one-on-one without a publicly noticed "meeting," which could be a phone call, discussion in passing, email, lunch or an actual sit-down meeting. Currently, to have any discussion between two board members, members must provide public notice in advance, publish an agenda, allow the public to attend, take minutes and publish minutes afterward. This bill would prohibit collecting votes behind closed doors (daisy-chaining), identical to current law. Officials could not promise or indicate how they would vote. It also would prohibit private discussions about appropriations, contracts or expenditure of funds outside of the agency: "Backroom deals" are specifically prohibited in the bill. If HB 843 becomes law, it would sunset after five years and would need to be reauthorized to continue.

Sunshine Laws are adhered to by law-abiding governing board members. Over the years, accusations have been filed against various board members violating the Sunshine Law, but these allegations have been nearly impossible to prove. Local officials governed by Florida's Sunshine Law cannot speak to one another outside of public meetings, which leaves them predominantly influenced by staff and special interests. The media says this prevents "back-room deals" between board members, but special interests groups are allowed to sway elected officials behind closed doors, without the public's knowledge.

If you watch a current school board meeting and hear votes taken with little-to-no discussion, you may realize that our current Sunshine Laws allow more shade than we know. The result is often rubber-stamp voting. The staff and superintendent know the details and implications that the board members don't know. As aptly stated in a blog by The Resident's Corner by Dave Trecker, 'Sunshine keeps them in the dark.'