

March 23, 2010

Dear Tampa Bay Area Coalition Members and Interested Parties. Below is an update on what some legislators want to do. You need to read this information and take appropriate action.

JOHN MILIZIANO

From: _UFF [mailto:uff@floridaea.org]
Sent: Thu 3/18/2010 3:52 PM
To: _UFF
Subject: Message from UFF President Tom Auxter

Dear Colleague:

Legislative leaders are moving rapidly to pass a bill, HB 1319 (Grady), that could cut your Florida Retirement System pension in half. By changing rules about how pensions are calculated, they can cut your average yearly pension from \$30,000 to \$15,000, for example. Tell your legislators to vote against HB 1319. (See below for details.)

Legislators are also preparing to destroy tenure (continuing contracts) for K-12 teachers when they vote on Senate bill 6. This bill abolishes continuing contracts for teachers (earned after a probationary period), places them on annual contracts, and makes both reappointment and pay raises contingent on test scores of students. School boards will actually be punished in funding if they pay teachers more for earning advanced degrees rather than rewarding teachers for test scores of students. Tell your legislators to vote against SB 6.

Over time, the economic effect of SB 6 will be to eliminate graduate programs in education when funding is taken away for advanced degrees, and make it impossible to adequately fund undergraduate education degrees by imposing unfunded mandates (expensive reporting mechanisms) to check on test scores of graduates. In other words, it is an attack on the funding and potential enrollment in public universities and colleges at the same time that it is an attack on teacher tenure and professional achievement. (See below for details.)

It severely jeopardizes recruitment of both faculty and teachers when legislators strip away professional compensation and restrict the academic freedom of educators by abolishing tenure. Moreover, if legislators abolish tenure for K-12 now and get away with it without resistance, we can expect higher education will be next -- losing tenure

and finding ourselves subjected to the latest testing scheme to decide if we have the professional standing to continue.

Contact legislators now to stop attacks on the conditions of employment of educators. The loss of professional standards now will make it impossible for us to retain and recruit both teachers and faculty in the future.

Sincerely,

Tom Auxter

President, United Faculty of Florida

Contact legislative leaders today

Say NO to SB 6 and FRS changes

Senate Contact

Senate President Jeff Atwater
Capitol Office 850-487-5229
District Office 561-625-5101

House Contact

House Speaker Larry Cretul
Capitol Office 850-488-1450
District Office 352-873-6564

Public Employee Retirement and FRS Issues

Oppose these Retirement Bills:

- HB 1319 by Rep. Grady, R-76, Naples
- HB 1543 by Rep. Zapata, R-119, Miami
- SB 1902 by Sen. Bennett, R-21, Bradenton

These bills are being moved onto a fast track for passage in the 2010 Florida Legislative Session. One of these bills is scheduled to be voted on in the House Governmental Affairs Policy Committee next week -- HB 1319, by Rep Grady. We are hearing that an amendment is being drafted that will make the bill effective immediately (instead of the bill's current effective date of 7/01/2011).

HB 1319 makes the following changes:

- Employees hired on or after 7/01/2011, and employees entering DROP on or after 7/01/2011, will be required to pay 1% of gross salary as contribution to FRS
- The definition of average final salary calculation is changed from the highest five years to the average of total career service and salary
- Overtime and other types of compensation (such as leave payouts) may not be included in pension calculations
- Public employees enrolled in the Regular Class of FRS could retire after 33 years instead of the current 30 years (effective 7/01/2011)
- For public employees enrolled in the Regular Class of FRS, the retirement age would rise to 65 years from the current 62 years
- For public employees enrolled in the Regular Class of FRS, the FRS accrual rate is lowered to 1.44% from the current 1.6% (effective 9/30/2011)
- Vesting (eligibility for retirement) changes as follows (effective 7/01/2011):
 - From 6 years and age 62, to 6 years and age 65
 - From 30 years at any age, to 33 years at any age
- Employees retiring on or after July 1, 2010 may not exceed 80% of their average final compensation (current law: may not exceed 100%)

The sponsors of these bills claim that revising FRS and public employee retirement benefits would save the state money during this time of declining revenues and the need to fund a \$3 billion budget deficit. Sponsors of this legislation believe that changes to the Florida Retirement System (FRS) could reduce costs to Florida's budget.

HB 1319 would result in out-of-pocket costs for public education employees who would suffer reduction of their actual retirement benefit the retiree receives. Further, HB 1319 would result in out-of-pocket costs for public education employees who would be required to make increased payroll deductions towards their retirement plan.

Call your Legislator today and tell them not to balance the budget on the backs of Florida's employees and retirees. Tell your Legislator to vote no on HB 1319 (and HB 1543, and SB 1902)!

Senate Bill 6

SB 6 appears to affect every educator not just educators hired after the effective date of the bill (July 1, 2010).

We have received a number of questions about Senate Bill 6 and whether the provisions in the bill would affect existing employees. We hope the following points clarify our belief that existing teachers would be dramatically affected by passage of SB 6.

In very flawed ways, the bill attempts to “differentiate” the effectiveness of teachers using criteria to be developed by the Florida Department of Education. The criteria would be used on decisions for evaluation, compensation, promotion, termination, assignment contracts (?) and due process. Accordingly, all teachers are potentially affected.

Specifically:

- Districts may not use time served (seniority) or advanced degrees- held in setting pay schedules for teachers. This appears to affect all teachers.
- The bill requires differentiated pay based on assignment to a high priority location, teaching in a critical shortage area (high need or STEM), or the assignment of additional teaching responsibilities for all teachers. This appears to affect all teachers.
- For the appraisal process, four effectiveness levels are prescribed (highly effective, effective, needs improvement, unsatisfactory) and beginning 2014-15, no personnel may be rated as effective or highly effective if their students fail to demonstrate learning gains. This appears to affect all teachers.
- Beginning with the 2014-15 year, all teachers would have to meet the new requirements for renewal of a professional certificate which is defined as

evidence of effectiveness. Specifically, current teachers who now hold PSCs would maintain those contracts UNLESS they fail to meet the recertification requirements. Essentially, the contract is only as good as the effectiveness rating. This is the provision that definitively catches existing contract holders.

- Absent any language in the bill to the contrary, there is a significant question about whether existing PSC holders will operate under a different salary schedule. The bill analysis states, “It is not anticipated that the bill revises the total funds for teacher and administrator compensation but rather, it provides a means by which compensation can be based on performance.” **This seems to say there will be no additional money to structure the new schedule so we conclude the intent is that current salaries would finance the reform.**
- Bill language requires reductions in force decisions to be made primarily on performance and not seniority. Absent a successful legal challenge, these decisions would no longer be made pursuant to bargained agreements. This seems to implicate all teachers.

And what about Education Support Personnel? Like many of the ideas that come out of Tallahassee, SB 6 is an unfunded mandate. Districts will have to ‘cobble-together’ the funding to put all the provisions into place – or they will be penalized and lose more state funding. In a time of low tax collections and budget cuts we know that ESP jobs will be on the chopping block or privatized. The days of belt tightening are long gone – now the Senate wants to take the belt away. Districts will be forced to do all they can to make sure funding in the classroom is the least impacted by cuts...or they will lose 5 percent of their state funding and be forced to raise local property taxes.

Higher Ed Impact of SB 6

- 1) The mandated OPPAGA report ignores the fact that Florida teachers have bachelor’s degrees, and college-based costs include the cost of an undergraduate program. The bill would require an apples-and-oranges comparison.
- 2) "Continuous" contact of pre-ed teachers is far beyond the recommendation of national teacher education organizations (e.g., AACTE) for 450 hours of supervised field experience. FEA supports the AACTE recommendation and leaving the structure of those hours to individual programs.
- 3) Florida does not have appropriate assessments to cover fields for the majority of teachers, other educators, and the programs they came from. Substituting school-level data on a limited number of subjects will not work: Will FDOE hold physical

education preparation programs responsible for reading and math scores of the schools where their graduates teach?

4) Florida does not have the budget to develop measures for all areas in the timeframe required by the bill.

5) Louisiana took almost a decade to develop its system of evaluating teacher education programs. Why is SB 6 attempting to do it in less than half that time?

To find your legislator, go to:

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Click on “Find Your Representative” or “Find Your Senator”