

ROBERTO MARTINEZ

Dr. Eric J. Smith
Commissioner of Education

October 8, 2009

**Re: State Board of Education 2010-2011
Legislative Operating and Fixed Capital Outlay Budget Request**

Dear Commissioner Smith:

I am writing to you to express my position concerning the State Board of Education 2010-2011 Legislative Operating and Fixed Capital Outlay Budget Request ("the Budget") that the State Board of Education (BoE) approved at our last meeting. Please include a copy of this letter in your transmittal of the Budget to the Executive Office of the Governor and to the Legislature.

The BoE has the constitutional duty to supervise a "high-quality system of free public schools that allows students to obtain a high-quality education." In my opinion, a high-quality education in the 21st Century is one that meets world-class standards and that prepares each student to compete successfully in a world economy. I believe that my constitutional responsibility includes recommending a budget that meets these goals. How Florida funds education affects the success of its educational programs and services.

As you know I have children attending public and private schools in Miami-Dade County, and I visit public schools regularly to get a better understanding of their conditions and the needs of our students. What I have seen and experienced first-hand is a hodgepodge of both quality and funding at our public schools. I have seen excellent magnet schools that appear to be well-funded; many other good schools that use their limited resources productively but where their students could get a better education if these schools had more funds to maximize their productive programs and services; and excellent teachers, who in my opinion are significantly underpaid, in action teaching our students, including at the public school attended by our child, and using money from their own income for non-reimbursed expenses – mostly on books, lesson materials, supplies, and incentives for students. I have also seen schools for which the lack of a strong principal and high-quality teachers are bigger problems than simply the lack of money. Unfortunately, we have too many low and non-performing teachers in our schools in Florida.

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I commend the excellent work performed by you and members of your staff in recommending the best budget possible under very difficult circumstances. I believe that the Legislature and the Governor are entitled to rely on the BoE to recommend a budget that fulfills the State's constitutional obligation to provide a high-quality education for each student in Florida. As such, although you have recommended and I have voted to approve the best budget possible under the current circumstances, I need to make it clear that I do not believe that the Budget appropriately and adequately funds a high-quality education for every student in Florida.

Every Floridian is aware that the economic downturn has reduced the State's revenues, including revenues available to fund Florida's education system. What may be less familiar to some are the structural issues that create equally significant impediments to appropriately and adequately funding a high-quality education. If we are funding programs or services that do not work, then we are not adequately funding Florida's education system no matter how many dollars we use to fund it. In order to meet its constitutional mandate appropriately and adequately to fund a public education system, it is my opinion that the State must:

- ◆ make meaningful improvements to the manner in which Florida prepares, attracts, trains, and retains our teachers, including enhancing the compensation paid to our high-quality teachers and making it easier to remove the low and non-performing teachers from the system; and,
- ◆ maximize the dollars in the system – both by increasing the effectiveness of our existing dollars (*e.g.*, moving dollars from unsuccessful services and programs to successful services and programs) and by increasing the amount of money available to the system – but only if we can be assured that any additional monies will go to programs and services that enhance student achievement and attainment, and not simply reinforce bad programs and policies.

To be clear, although I believe that Florida needs to increase substantially the funding available to public education, simply pumping more dollars into a system with serious structural shortcomings will not only fail to produce results, but it will not meet the constitution's mandate. I cannot think of a single, serious thinker in the educational field who believes that money alone could ever be the solution to providing an educational system aimed at improving student achievement and attainment. Indeed, all funding used in education, particularly funding affecting the teaching profession, must align with the goal of achieving a high-quality education. If currently funded programs or services do not meet this goal, then we need to know which ones, why not, and then change or re-align them to meet that goal. Our taxpayers are entitled to that type of accountability, and our constitution requires it.

The fiscal reality that the State currently faces creates a need, but it also creates an excellent opportunity to address and fix the non-financial impediments to an adequately funded education system. Specifically, we need to ensure that the dollars we have available to us are going to programs and services that maximize results, and that they are not being wasted on programs and services that either do not work or provide only diminishing returns. By making improvements and reforming the system now, as Florida's economy recovers and the State's revenues improve we will be able not only to increase our funding but also to make that funding work more productively.

Set forth below are some suggestions as to how I believe Florida can begin to address the challenges of appropriately and adequately funding our system of public education. These suggestions are not meant to address all the problems in our system, but they are aimed at those that I believe merit immediate attention. Some of the suggestions address certain structural impediments to the State's system of funding a high-quality education, while others are focused on increasing the funding.

(1) Improving the Quality of the Teaching Profession: Teaching impacts our children on a daily basis. A high-quality teacher has the power significantly to help our children to prepare them to lead successful and productive lives. Teaching, in essence, is the profession that creates our other professions and that helps shape the future of our country and State. The teaching profession is, in my opinion, our most important profession and Florida should treat it as such. We need to eliminate the systemic waste of funds caused by some school board practices, collective bargaining agreements, and state laws and rules that allow low and non-performing teachers in our schools. In turn, we should use those funds to attract and retain high-quality teachers by paying them substantially more than they are currently being paid. Our goals must be:

- (a) to attract the highest performing students into the teaching profession;
- (b) to retain our best teachers;
- (c) to raise professional standards for the teaching profession; and
- (d) to make it easier to remove teachers who fail to perform to those standards.

The total amount budgeted statewide in FY 2008-2009 for the salaries and benefits of the instructional personnel was approximately \$13.6 billion. That represented about 70% of the dollars appropriated by the State for education. If we assume that 20% of that workforce is low or non-performing (which may be a low approximation by some estimates), then that represents in excess of \$2.7 billion that was wasted and that could have been directed to attract and retain high-quality teachers.

The time is long overdue for Florida to undertake a comprehensive review, in the Sunshine, of the impact of school board practices, collective bargaining agreements, salary schedules, and state laws and rules on the quality of the education our children are getting and on the teaching profession. I believe that such a review will encourage

better laws and practices that will serve to redirect our precious funds to meet the goals that I have mentioned and allow us to move towards appropriate and adequate funding of our educational system, particularly by paying substantially more to attract and retain our high-quality teachers, and removing from the system all low and non-performing teachers. Florida should have only high-quality teachers in the classroom. Every student in Florida is entitled to a high-quality teacher.

(2) Examine Each School: Although Florida has the best educational data system in the country, we do not seem to gather or examine the data to measure adequacy-related issues in a constructive manner. Comparing Florida to national benchmarks on per pupil funding, by itself, is not, in my opinion, really that useful in understanding whether Florida is fulfilling its constitutional obligation. There are many states that spend more per pupil than Florida and yet perform worse when measured by the National Assessment of Educational Progress (NAEP) scores, confirming that adequacy cannot be measured by dollars alone. Reasonable and practical outcome measures should be used to gauge the effectiveness and efficiency of the dollars spent.

I believe that the BoE and the Legislature should undertake an in-depth study that examines whether each school in Florida is sufficiently resourced to satisfy the State's own requirements for a high-quality education. The Commissioner of Education could develop, in consultation with the district superintendents, national experts, and the Florida Office of Program Policy Analysis and Government Accountability (OPPAGA), a list of essential resources and services that every school should have in order to enhance student achievement and attainment to meet world class standards in the 21st Century and also the means to verify annually whether the schools are so equipped.

(3) Class Size Amendment (CSA) Modification: We need to modify the CSA requirements, and encourage the Legislature to place the issue on the ballot. I believe in the benefits of reduced class sizes, and the CSA has been effective in drawing attention to that issue. However, reductions in class size beyond a certain point are less effective in improving student achievement than making sure we have high-quality teachers in the classrooms themselves. In my opinion, the current requirement of the school-wide average, along with a hard cap of five for each classroom, would be sufficient to achieve the benefits of moving from larger to smaller-sized classes.

Meeting the CSA's requirements during this current 2009-2010 FY, measuring compliance at the school wide average, will require an expenditure of \$2,845,578, 849. Next year, FY 2010-2011, will require that same expenditure plus an additional expenditure of approximately \$353,741,106 in order to take the CSA measurement to the classroom level during the 2010-2011 school year, as required by the constitution. We can reasonably expect that total number, \$3,199,319,955, adjusted for inflation, to remain steady for a number of years. That is a substantial amount of money.

Florida could use more productively the incremental expenditure of funds required to take the CSA measurement to the classroom level. For example, Florida could take the \$353,741,106 and apply that same amount yearly to increase the compensation for our high-quality teachers, who in my opinion, are significantly underpaid by at least 25% and who are unquestionably the single most important factor in enhancing student achievement and attainment. Instead the CSA will force the state to spend money on hiring more teachers, regardless of quality, just to meet a lower teacher-to-student ratio.

In terms of timing, I believe this issue should not be placed on the ballot in 2010, although I realize the CSA requirements kicks-in during the 2010-2011 school year. The CSA issue is extremely important, with intelligent, reasonable people having different viewpoints. This issue requires a thoughtful and meaningful debate and a well-informed citizenry, particularly parents. Placing this issue on an election year ballot would not be the best way to have this matter addressed thoughtfully and seriously, as it is likely to be overshadowed by the various statewide races next year.

(4) Reprioritizing Spending and Taxing Priorities: Health care spending is squeezing out many parts of our State budget, including education, because that is required by state and federal statutes. Health care is obviously important. But we need to make clear that education funding in Florida also is important and a priority and it is also mandated by law - our constitution.

In addition, I believe that the Legislature should review existing tax revenues to see whether they are being used pursuant to their statutory purposes and, even if they are, whether those purposes should be amended. For example, local governments collect a significant amount of revenue from tourist taxes. According to the Florida Revenue Estimating Conference's projections for FY 2008-009, local governments will collect approximately \$573.4 million in tourist taxes. The statutorily authorized use of those taxes, however, is limited. I am aware of one situation where a substantial amount of tourist taxes are being used to fund a project with no evidence that project will serve to promote tourism. Obviously, this is not good public policy. The Legislature should examine whether portions of the tourist and other taxes that currently are not used for education should be used for the funding of education. This would increase the tax revenues supporting the education system without increasing total taxation.

(5) Tax Reform: Let me make clear that I do not support a tax increase or an income tax. There is, however, a need and the will to reform our system of taxation. Our system of taxation has a very narrow tax base and is overly reliant on property taxes, thereby stifling economic development. In my opinion, Florida needs to reduce our property taxes by replacing the required local effort (which has increased significantly in many districts in the last five years) with a system that relies more on sales taxes (basic items can be excluded to avoid and/or minimize regressive effects), and that repeals sales tax exemptions that the Legislature determines, on a case-by-case

basis, do not advance or serve a public purpose. Any such shift, however, must be conditioned on holding education harmless.

The Taxation and Budget Reform Commission recommended a constitutional amendment last year that would have accomplished that shift. The Florida Supreme Court, however, prevented that amendment from being presented to the electorate - not because of the wisdom of the amendment's underlying policy, but because of its wording. It is time that the People of Florida or their Legislature tries again to bring about this type of fundamental tax reform. The current system is unsustainable. In fact, I believe that with the increased economic activity that this tax reform will stimulate, education funding will increase.

Again, I thank you and your staff for your significant efforts and excellent work in presenting the best budget possible under the current very difficult circumstances. The challenges that you have addressed are daunting under the best of times, and the recent historic economic downturn has compounded the difficulty of your work. I also believe, however, that the current situation creates a unique opportunity to bring about greatly needed fundamental transformational reforms to our system of education, including to the manner in which Florida funds education.

Florida has made meaningful gains in student learning during the last ten years, especially considering from where it started. We now have many good and excellent schools throughout Florida with high-quality teachers. But, if Florida is to fulfill its constitutional duty to provide every student in our state with a high-quality education, then we need to do better. I respectfully encourage you, my colleagues on the BoE, the Florida Legislature, and the Governor to consider implementing the suggestions I have mentioned in this letter.

Sincerely,

Roberto Martínez

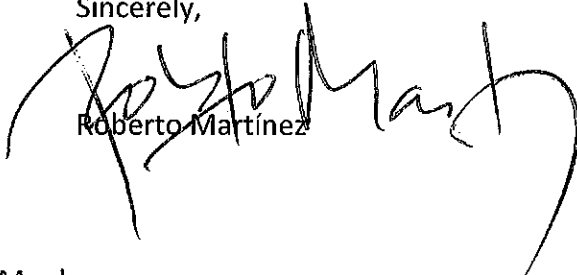
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Roberto Martinez

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