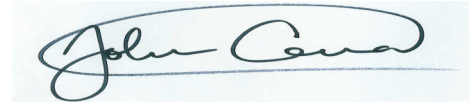

CERRA CONSULTING GROUP, INC.

Memorandum

To: FASP Executive Board

From: John Cerra, FASP Governmental Consultant



Date: May 9, 2008

Re: 2008 Final Legislative Session Report

Finally, the 2008 Legislative Session has come to an end. Each session tends to have a handful of dominant themes, and every decision in this one was clouded by the extreme shortfall in state tax revenues available to meet the needs of the state. In early March, the Legislature agreed on a reduction to the current year's budget (FY 2007-2008) and then, they spent the next eight weeks deciding how to further pare the 2008-2009 budget from that point. From health care to education, budgets were slashed to keep Florida from over spending what the state is projecting to collect in state revenues. While the gloom and doom of budget cuts colored every aspect of the session, FASP was able to move a few of our priority items forward.

Major Budget Cuts for Public Education

The cuts to public education include a reduction of total funds per student of 1.8 percent. This does not seem catastrophic, but it is intentionally misleading, as the Legislature wanted to understate the impact of their cut policies.

Included within the remaining base of 98.2 percent of the previous funding from the cut budget in March 2008 are some new or expanded budget items that districts must fund, including class size reduction expenses and, in some counties, the new MAP bonuses. In addition, over \$370 million in cuts to public school capital outlay programs are ignored within the 1.8 percent figure. Furthermore, mandatory expenses such as diesel fuel for school buses and utility costs, health insurance and other benefits are seeing double-digit inflation which will further erode the value of the funding remaining for the school districts to craft their 2008-2009 budgets. School districts are responding in many ways. Many are considering: cuts to staff; including but not limited to, school psychologists; no pay raises or even salary reductions; severely limiting travel and supply accounts; reductions in district

administration; and, drastic program cuts. Most districts have reacted without specifically targeting student services for disproportionate cuts, but a few have started with huge reductions in this area as a staff proposal. FASP will continue to work with our local members to assist in explaining the value of our professional services to meeting the educational needs of students. As a result of Miami-Dade County's budget cut decisions, President Josh Lutz has written a letter which will be used and distributed to school officials in Miami-Dade County (http://fasp.org/PDF_Files/President/Miami_Dade_Letter.pdf).

FASP Works to Minimize Cuts to ESE Guaranteed Allocation

FASP did exert some measure of influence over the final state budget with regard to the ESE Guaranteed Allocation. With the help of our members who visited Tallahassee for the Coalition for the Education of Exceptional Students (CEES) training, FASP was able to rally the Senate to reject a proposal to cut the ESE allocation by twice the cut rate of the base student allocation. We argued that balancing the education budget should not come disproportionately on the backs of ESE students. The argument was accepted and an equal percentage cut to the base student allocation and the ESE Guaranteed Allocation became the policy in the 2008-2009 budget. With this change of position, over \$30 million in funding was retained for the program compared to the original Senate position. This is important because many of the special services provided by school psychologists are funded by this allocation of funds.

FASP Supports Successful Passage of Anti-Bullying Bill

One important victory was the passage of the Anti-Bullying Bill. House Bill 669, sponsored by Representative Nick Thompson (R-Ft. Myers) has finally passed both the House and Senate and is on its way to the Governor for his signature after three long years of lobbying. For the previous two years, social conservatives had blocked the bill because of a belief that the bill language somehow supported an extremely liberal agenda. When these objections were pacified without any changes to the bill's language, groups who believed that the bill did not do enough to protect all students from bullying tried a couple of times to add sexual identity language to the bill. A coalition of both Republicans and Democrats rallied to maintain the balance within the bill so that the focus could be on stopping bullying for any reason and protect any victim. Had these additional amendments been accepted to the bill in either the House or Senate, the original objections from members would have killed

the bill for another year. Thanks to the strength of the House and Senate sponsors, the amendments were defeated as the members came to understand that all bullying is covered by this legislation.

ESE Terminology Improved

Another bill which FASP supported was passed during this 2008 Session. HB 1313 by Rep. Steve Precourt (R-Winter Garden) updates terminology in the law relating to ESE students. The bill eliminates and replaces outdated and sometimes offensive terms used with ESE students and school professionals, and aligns Florida terminology with that of IDEA. While the bill will not result in better services for students, the bill will revise language used in identifying students with intellectual, emotional, or behavioral disabilities. Rep. Precourt has a child with autism, and he proudly carried this legislation to improve terms used to identify ESE students.

Psychology Practice Act Amendments Adopted

FASP worked with representatives of the Florida Psychological Association (FAP) to make sure that the Psychology Practice Act bill would not be controversial. The final version, HB 803, was passed by Rep. Ronald Brise (D-North Miami). The legislation requires the Board of Psychology to close application files of applicants failing to pass certain examinations or applicants failing to submit evidence of completion of postdoctoral supervised experience within a timeframe no longer than 24 months. The bill also provides that an individual who completes required postdoctoral training residency may continue to practice under supervision in a manner prescribed by the board by rule.

Anti-Mental Health Advocates Take a Break

Over several years, FASP has devoted a great deal of time and effort in fighting proposals which limit access to mental health services for public school children. This year was very quiet on that front. Unfortunately, it does not mean that these groups, who do not believe in mental health services, have given up on their beliefs. In fact, with this being an election year and because of the corrosive impact of term limits on the knowledge base of the members of the Legislature, it is extremely important that all of our members are active in the elections of their local candidates to make sure that all of the winners are appropriately vetted for their support of student mental health services.

Insurers Required to Cover Certain Services for Children with Autism

The very last bill to pass during the 2008 Session, SB 2564, would require private insurance companies to begin to provide certain limited services to children with autism spectrum disorder beginning in 2009. The Steven A. Geller Autism Coverage Act requires health insurance plans to provide coverage for screening, diagnosis, intervention, and treatment of autism spectrum disorder. The autism spectrum disorder is defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association and includes autistic disorder, Asperger's syndrome, and pervasive developmental disorders not otherwise specified. There are limits to how much per year and how much in the lifetime of the insured would be paid for by the insurer, but the law would require substantially more coverage than is currently provided.

Major Constitutional Amendments Put on the Ballot by TBRC

Another area that FASP members need to be aware of this November will be the constitutional amendments proposed to the citizens of Florida for our approval in the General Election. The Taxation and Budget Reform Commission (TBRC) has voted to place three distinct proposals on the ballot; any one of them could mean drastic changes for the right to a public education in the state. These include: 1) a proposal to eliminate the entire "required local effort" which contributes over \$9.5 billion to public school operations and "replace" this tax with a combination of other taxes, a one-cent sales tax increase, and elimination of sales tax exemptions; 2) a repeal of the "Blaine Amendment" which bans the support of religious organization by the state government; and, 3) a pairing of an amendment that would allow the Legislature to create school voucher programs with a requirement that 65 percent of public school funding be for direct classroom expenditures. The first proposal is a concern because the Legislature would need to replace over \$9.5 billion in property tax revenues with a combination of options from which it would be extremely difficult politically to raise an equal amount of funding. In addition, sales taxes are much less stable than property taxes creating the possibility of wildly fluctuating amounts available for school operations. The second amendment is only on the ballot because of school voucher advocates and those who want to support religious institutions with tax dollars. The third amendment would specifically allow school vouchers in the Constitution, which some believe is an admission by the voucher supporters that the current programs in Florida are not currently legal or constitutional. The item is paired with the "65 percent solution" because of a belief that it might prove popular

to many conservative voters and assist in ushering in expanded vouchers. This proposal is also quite alarming for those who provide a quality public education because the amendment does not define what expenditures would be acceptable in Florida's classrooms, which could further erode the quality services school psychologists provide to Florida's school children. As you can see, the issues on the ballot in November will have a huge say in the very future of public education in our state.

FASP Continues to Plan and Execute Advocacy Efforts for its Members

With the 2008 Session behind us, it will only be a few short weeks before the FASP legislative committee begins planning our Legislative Platform for the 2009 Session. Members should feel free to contact the FASP Legislative Committee (http://fasp.org/FASP_Standing_Committees/Legislative.html) to recommend new issues for the 2009 FASP Legislative Platform. Adoption of the 2009 Platform will be completed by the end of the summer for printing and distribution at the Fall Conference. Cerra Consulting Group (Bob and John Cerra) is extremely proud of our relationship with FASP, and we look forward to continuing our work for the benefit of FASP members, all school psychologists and every student in need of your valuable services.