

MINUTES  
STATE BOARD OF EDUCATION  
DEPARTMENT OF EDUCATION  
TALLAHASSEE, FLORIDA  
April 20, 2004

Chairman F. Philip Handy convened the meeting of the State Board of Education via phone conference at 10:05 a.m., April 20, 2004. The following members participated: Linda J. Eads; T. Willard Fair, Vice Chairman; Charles P. Garcia; Julia Johnson; William L. Proctor; and Linda K. Taylor.

**Welcome**

Chairman Handy welcomed the members and participants. Upon asking for comments, Dr. Eads stated that she had requested information relating to accommodations for teachers taking the Florida Teacher Comprehensive Exam and had requested that she be copied on the response to a letter she forwarded to the Department earlier that month. Dr. Eads stated that she had not received this information and asked that it be provided as soon as possible. Commissioner Horne assured Dr. Eads she would receive the requested information.

**Chairman's Report**

FCAT Chairman Handy reported that FCAT scores had been released and there was a significant increase in the number of students taking the test this year compared to last year. Chairman Handy stated that even though the number of students tested had increased significantly the percent of passing students had increased as well.

Teacher Certification Chairman Handy reported that 14,000 applications were processed in March, which is twice the number normally processed during a month. In addition, the 7,000 applications which were certified in March will increase the applicant pool for teachers needed for the upcoming school year.

Chairman Handy concluded his report with a call for a motion on the minutes of the March 16, 2004, State Board meeting. Dr. Eads made the motion to approve the minutes with a second by Mrs. Taylor. The motion passed unanimously.

**Commissioner's Report and Sector Updates**

FCAT Commissioner Horne provided additional information on the FCAT and progress of students. He stated that 3% more of the third graders are reading at or above grade level than last year and two-thirds of all third graders are now reading at that level. A similar level of progress has been shown in math. An analysis of scores on the norm referenced test, which was given simultaneously with the FCAT, reveals that Florida has achieved the same progress on the national achievement test as reported on the FCAT. Commissioner Horne further stated that nearly two-thirds of the students retained have improved at least one level, or higher, and that 58% of 12<sup>th</sup> graders who did not pass the FCAT are in postsecondary education in either a vocational program or a community college.

Dr. Eads stated that focus should be directed on the teachers who are providing the instruction that has resulted in the improvement in student achievement. Mrs. Taylor agreed with Dr. Eads and further stated that teachers should receive recognition for their dedication and hard work which contributed to the increase in student performance. Mr. Garcia stated that efforts should be doubled and minimum standards should be increased this year.

Just Read, Florida! Mary Laura Openshaw updated the Board on the Reading First Grant. In the third round of funding for K-3 programs, grants were awarded to Broward County, Orange County, Palm Beach County, and the member counties of the Panhandle Area Education Consortium (Franklin, Holmes, Jackson, Madison, and Washington). Broward County is the only district to be funded in all three rounds. There are a total of 226,000 students participating through the Reading First Grant. Training will be provided for districts which have been unsuccessful in receiving funding.

Legislative Update Paula Shea updated the Board on the status of bills relating to acceleration mechanisms, middle school reform, voluntary universal pre-k, scholarship accountability, teacher certification and teacher programs, and baccalaureate degrees at community colleges. Dr. Proctor requested an analysis of the enrollment and costs of existing baccalaureate degree programs at community colleges.

Ray Monteleone, Chief Financial Officer, continued the legislative update by reporting that the House and Senate Education Appropriations Committees have moved a significant number of issues up to the full appropriations committees. Mr. Monteleone will provide a complete update on the budget at the next State Board meeting. Dr. Proctor requested an estimate of the funds needed to renovate existing community college buildings. Mr. Monteleone stated that this information will be included in the Educational Facilities Task Force Final Report which will be presented to the State Board upon completion.

Community College and Workforce Education Activities Chancellor David Armstrong reported to the Board that the transfer of funding for the Appleton Museum to Central Florida Community College is currently being considered by the Legislature. In addition, the legislative budget currently includes approximately 10 million dollars for vocational technical programs to be directed toward providing options for twelfth graders who failed the FCAT. Dr. Proctor requested that he be provided an estimate of the percentage of students who have retaken the FCAT or who have taken an alternative route leading to graduation.

State University System Activities Chancellor Debra Austin updated the Board on activities of the Board of Governors. Chancellor Austin stated that the Board of Governors is anticipating an increase in the legislative budget to allow for enrollment growth and additional programs. Chancellor Austin concluded her report with the announcement that the Board of Governors will meet on May 27, 2004, and will conduct a workshop on accountability.

K-12 Activities. Chancellor Jim Warford updated the Board on the Invitation to Negotiate (ITN) for the Integrated Education Performance Management System. The three finalists are Microsoft, IBM, and Cognos.

Dr. Eads made a motion to approve the Commissioner's report which was seconded by Vice Chairman Fair. The motion passed unanimously.

### **Action Items**

1. Amendment to Proposed Rule 6A-10.060, The Dale Hickam Excellent Teaching Program. Dr. Proctor made the motion to approve the proposed amendment to Rule 6A-10.060, FAC., with a second by Dr. Eads. Commissioner Horne stated that the proposed amendment is necessary to put the existing process for rewarding higher performing teachers in rule. On November 21, 2003, a lawsuit was filed by Florida Education Association and teachers/local union presidents Constance Higginbotham and Laverne Love to invalidate alleged unpromulgated rules relating to the Dale Hickam Excellent Teaching Program.

The Commissioner reported that the Administrative Law Judge granted a stay of the proceedings when the Department submitted a notice of rule development to the Florida Administrative Weekly. A rule development workshop was held on February 3 with representation by the Florida Education Association and others to offer comments. The Administrative Law Judge then entered an order continuing the case in abeyance in light of the Department's efforts to adopt a rule.

Karen Alaverez and Anthony Demma, representing the Florida Education Association, requested to address the Board on two issues. The first issue was the full repayment by educators if they are not performing satisfactorily on their performance evaluations. The second concern related to the requirement that the educator must never have been subjected to discipline as the result of a final order of the Education Practices Commission after a formal, informal, or show cause hearing or settlement agreement. Should such an action occur during service, full repayment of the bonus would be required and eligibility for further compensation through this program would be denied. Commissioner Horne clarified that this program is for the exemplary educator, which includes a certification fee subsidy, teaching salary bonus, and mentoring salary bonus. The Commissioner further stated that the intent of the legislation was to encourage those teachers to continue to provide instruction in the classroom.

Dr. Proctor requested clarification on the process of qualifying a teacher, providing the bonuses, and then requesting back payment should either a poor performance evaluation or a discipline action occur. The motion to approve the rule passed with Dr. Proctor as the opposing vote. Dr. Proctor stated that he could not support this amendment without additional clarification.

### **Consent Agenda**

Dr. Eads made the motion to approve items 1-9 with a second by Dr. Proctor. Dr. Proctor commented on item 8 and requested that the Chancellor ensure that universities are made aware that requests to seek authority to exercise the power of eminent domain be submitted prior to agreements with local government and beginning construction. The motion passed unanimously.

### **Adjournment**

Chairman Handy stated that the next Board meeting will be held May 18, 2004, in Tallahassee. The meeting to be held June 15, 2004, will occur the day after school grades are announced, and the Board will meet at a site in the proximity of the announcement. The August meeting will be held in Tallahassee. Having no further business, Chairman Handy adjourned the meeting of the State Board of Education.

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F. Philip Handy, Chairman

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Lynn Abbott, Corporate Secretary