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STATE BOARD OF EDUCATION  
TALLAHASSEE COMMUNITY COLLEGE  
TALLAHASSEE, FLORIDA  
MARCH 18, 2003

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Chairman F. Philip Handy convened the meeting of the State Board of Education in the Legislative Research Center and Museum, Tallahassee Community College, Tallahassee, Florida, at 8:30 a.m., March 18, 2003, with the following members present: T. Willard Fair, Vice Chair, Sally Bradshaw, Linda J. Eads, Charles P. García, Julia Johnson, and William L. Proctor.

1. Call to Order and Greetings

The Pledge of Allegiance was recited. Mr. Handy thanked Dr. Bill Law, President, Tallahassee Community College, for hosting the State Board meeting. Dr. Law said exciting things in education were always happening at Tallahassee Community College. He introduced Mr. Frank Messersmith, Chair, TCC Board of Trustees.

2. Member Comments and Observations

Mr. García gave Board members a copy of the book, "The 90% Reading Goal," by Lynn Fielding, Nancy Kerr and Paul Rosier. Dr. Eads thanked Ms. Openshaw and Mr. Lopez for meeting with her on Sunday evening. Mr. Handy said he had been meeting with members of the Senate Education and Ethics Committees before whom they would appear for their confirmation.

Mr. Fair thanked Commissioner Horne and Mr. Winn for coming to Miami and speaking to the community about the impact of FCAT on area students. He said Senator Wilson had offered a clear proposal to help 12<sup>th</sup> grade students adversely impacted by the FCAT. Mr. Winn said the Department's data showed that approximately 3000 12<sup>th</sup> graders had not passed one portion of the FCAT. In addition, Department staff were working to identify appropriate cut scores on the SAT, ACT, and College Placement tests, comparable to the FCAT score. He noted that the FCAT graduation requirement had been put in place in 1999, so that by 2001, 10<sup>th</sup> graders were aware of this requirement, and would have a total of seven test opportunities to achieve a passing score. There was also a GED option for a State of Florida diploma, and the opportunity to use a community college placement test followed by remediation at the community college. He suggested that the Board might explore these issues at a subsequent meeting or workshop. Mr. Fair said he was concerned that a "requirement to notify" did not always reach the necessary people; communication was important. Dr. Proctor said that if the Board were open to every accommodation suggested, the State would lose the statewide assessment tool. He suggested that as the State implements third grade retention, there would not be large numbers of students failing to meet the requirements for graduation.

Ms. Johnson said the Board had previously adopted expanded FCAT options for students with disabilities. Current legislation addresses further accommodations. She inquired how often the Board revisited these accommodations. Commissioner Horne said once a year. He said the first step, already accomplished, was to advise students and parents about the accommodations available. Ms. Johnson said she was unclear about the ramifications of these decisions and agreed that a workshop would be helpful.

3. Approval of Minutes of Meeting held February 18, 2003

Mr. Fair moved that the Board approve the Minutes of the Meeting held February 18, 2003, as presented. Dr. Eads seconded the motion, and members concurred.

4. Commissioner's Report

Commissioner Horne said "Operation Excellence" had been launched within the Department of Education to develop mid-level talent within the Department. He reported on recruitment of key personnel, and introduced Mr. Fred Mattingly, the Deputy Commissioner for Communications, whom he had recruited from Walt Disney World. He also introduced the new Communications team, including Ms. Francis Marine, who will serve as the Department's spokesperson; Ms. Nikki Jerger, Director, External Affairs; Ms. Diane McCain, Director, Planning; and Mr. Jonathan Byrnes, Writer. He introduced Dr. Alex Penn-Williams, the Director of the Office of Independent Education. He reported that he had offered the position of Chief Financial Officer to Mr. Ray Monteleone, and that he would soon announce the appointment of the Chancellor of the Division of Colleges and Universities.

He said that during Session, most of his time was spent in Tallahassee. He had begun sending regular email messages to teachers and was pleased with many of the responses to these messages. He said the team from Washington had spent a day in Tallahassee reviewing Florida's proposal for "No Child Left Behind," and he hoped the proposal would be approved within the next month. Florida had also submitted an Application for Participation in the State Flexibility Demonstration Program and was the only state to meet the deadline for that application. He said the logo for the Department was being redesigned. He invited Board members to visit the Turlington Building to see the reading nook and to enjoy a cup of cappuccino. He said he had assembled a new K-20 Information Council, whose members had been responsible for the workshop materials the previous day. He advised the Board that he would present the Teacher Certification "SWAT" team at the next meeting, and the steps being taken to expedite teacher certification. He reported that he met regularly with the Superintendents with "F" schools in their districts and that he was now pushing them for results.

A. Recognition: Ms. Lynette B. Clark

Commissioner Horne recognized Ms. Lynette Clark with the "Apple Award." He said she had received a Tallahassee Community College Prepaid Scholarship while in high school and had graduated from TCC before she finished high school. She has now graduated from Florida State University with a B.S. in Industrial Engineering, and is pursuing a Master's in Industrial

Engineering. He said she had credited the TCC Foundation and the College Reach-out Program for having such faith in her. Ms. Clark thanked the Board for this special recognition and said the CROP scholarship had helped her pursue her dream of higher education in ways she had never imagined. She particularly thanked President Law and TCC for their support and encouragement.

B. Just Read, Florida!

Ms. Openshaw introduced Mrs. Hodgetta Huckaby, Principal, Oak Ridge Elementary School. Mrs. Huckaby described the school, a Title I school with an enrollment that is 84% African American; 87% of the students qualify for free and reduced price lunches. She said she had high expectations for all her students. She described the reading programs at the school and resources dedicated to assisting the students achieve success.

Mr. García inquired of the use of the "open court" program. Mrs. Huckaby said the school had used that program since 2000. Ms. Johnson inquired how Mrs. Huckaby responded to the criticism that "tests were bad for morale." Mrs. Huckaby said she viewed herself as the head learner and worked to instill a positive attitude and a sense of capability. Dr. Proctor inquired about the use of teacher aides and the requirements of NCLB. Mrs. Huckaby said instructional aides participated in in-service activities; she added that Americorps volunteers in Leon County were well-trained. Ms. Bradshaw inquired about ways to help 2<sup>nd</sup> and 3<sup>rd</sup> graders. Mrs. Huckaby said she worked on the students' skills and addressed critics of 3<sup>rd</sup> grade retention by emphasizing the importance of basic reading skills.

C. 2003 Legislative Session

Dr. McDougal said a total of 2137 bills had been filed; the Department is tracking 349 bills, half of which address K-12 issues. She reviewed the House and Senate bills implementing the Constitutional Amendment on Class-Size Reduction. She said the Department was working with the School Districts to determine school space needs. On-site audits were being performed to check the accuracy of the data, and to be sure to exclude non-classroom space, such as gymnasiums, halls and closets. The survey had revealed that the space needs were not as great as once envisioned. Districts might need to look at changing school boundaries.

Ms. Johnson inquired whether the Board would make recommendations to the districts or merely receive the information. Commissioner Horne said the staff was working on a bill that would give the districts both equity and flexibility. Decisions would be local; districts should not be penalized for their prior logistics planning. Rezoning was one option. He noted that 45 counties do not need additional classrooms. Ms. Bradshaw inquired about costs. Mr. Winn said the data was not yet definitive. Mr. Handy urged caution in using the term "rezoning."

Dr. McDougal said there were also discussions on implementing the Amendment on Voluntary Universal Pre-Kindergarten, including governance, timing, program design, delivery systems and funding. Legislators were also discussing the implementation of the Board of Governors and its duties.

She reviewed the bills addressing the Board's legislative priorities, including giving teachers more authority in the classroom, establishing a minimum pay for teachers, and providing a teacher career ladder with a differential pay scale. She outlined the legislation proposed to implement K-20 accountability and charter school accountability. She said the Board had earlier recommended decoupling the Bright Futures Scholarships from university tuition, and aligning these Scholarships with community college tuition.

D. Wrap-up- Workshop: More and Better Teachers

Commissioner Horne said the Board had reviewed several teacher recruitment initiatives during its workshop the previous day in response to the State's need for 22,000 teachers in August 2003. He said this challenge demanded systemic change. He reviewed teacher preparation programs, and said that through a number of State and district efforts, Florida would have enough teachers to fill the need.

Mr. García said he was not satisfied with the few teachers entering the profession via an alternate certification route, particularly with the numbers of retirees relocating to Florida. Commissioner Horne said he expected success over the long-term with alternate certification; recruiting retired "high end" professionals had not worked well. Mr. Fair inquired about the states from which Florida was recruiting teachers, noting that this recruitment might be done in partnership with the unions. Commissioner Horne said Florida recruited in the Southeast and in the Northeast. Dr. Eads noted that the proposed career ladder was important. Ms. Bradshaw inquired whether there was school bias against teachers who had been certified through an alternate route. The Commissioner said this could be addressed through the proposed professional pay plan. Mr. García said it was difficult to influence the districts; the assessments in place graded students and schools. Mr. Handy said Florida was the only state currently measuring students' learning gains. Mr. Fair said he hoped to empower parents to make sure the superintendents and the districts were doing what they should be doing.

Mr. Fair moved that the Board approve the Commissioner's Report. Dr. Eads seconded the motion, and members of the Board concurred.

5. Demonstration of FACTS for High School Students

Ms. Connie Graunke said that FACTS (Florida Academic Counseling and Tracking for Students) had now expanded its services and functions to high school students. She said the system now included information on Bright Futures and State University System admissions requirements; students are able to evaluate their courses

against scholarship and admission requirements. The system also provided on-line application capability to the universities.

Ms. Kay Noble, Polk County District Guidance Counselor Supervisor, explained the major impact of this new system for students and their parents. She said Polk County had served as a pilot for the system. She said it was also an important tool for students who were not college-bound. All students could see the courses they needed to take. Dr. Eads inquired whether the program was available in Creole. Ms. Graunke said they had just begun to explore options in other languages.

6. Status Report: Florida Information Resource Network Sourcing

Mr. Ruben Lopez explained the growth in the Florida Information Resource Network (FIRN) over the past 18 years. He said in 1998, the network served 33 percent of the schools, colleges and universities in the State; it now served 94% of them. He reviewed the problems, including the need to reduce debt, the need to build the network to increase services and customer satisfaction, and the need to replace and upgrade equipment. He described the solutions through Services Sourcing, adding value by Service Levels Agreement, improving the speed of connectivity, increasing the e-rate funding from the Federal Government, and reducing the state cost per student. He said the contract had been awarded to Hayes e-Government Resources, with a timeline from January 2003 through June 2006.

Mr. Handy inquired about the cost. Mr. Lopez said the project would cost \$9 million, and the response from the network would be 10 times faster. Ms. Johnson asked Mr. Lopez to explain the difference in owning the network versus leasing. Mr. Lopez said ownership required paying for maintenance; some of the equipment was 10 years old.

Commissioner Horne asked Mr. Lopez to advise the Board on Internet 3, the network for research universities. Mr. Lopez said Florida had had a regional connection to the Internet. Seven universities, five public and two private, had raised the \$5 million to build the state network and infrastructure to the Tier 1 level. This will speed up research time for the member universities.

7. Presentation by Okaloosa-Walton Community College on Proposals for Two Baccalaureate Degrees

Mr. Handy said the Board, as the Florida Board of Education, had reviewed several community college proposals to offer baccalaureate degree programs. He inquired how this Board should proceed. He suggested that this Board review these proposals only after CEPRI had reviewed them and had a recommendation for action by the Board.

Dr. Bob Richburg, President, Okaloosa-Walton Community College, described the College and the two proposed baccalaureate degree programs, the Bachelor of Applied Science in Project and Acquisitions Management, and the Bachelor of Science in Nursing. He said the program in Applied Science would be of great value in the local

military-related economy; it had received numerous letters of support. He said the proposal addressed the intent of the legislation to respond to local demand; it filled a particular educational niche. He said there were no comparable degrees in place; existing faculty at the College would assume the workload for the program at the community college cost level. He also explained the proposed nursing degree, citing a major need in the area for trained nurses. He said this program would entail no new facility costs; existing faculty would assume the teaching responsibilities for the program.

Mr. García inquired why CEPRI had not supported either program. Dr. Bill Proctor, CEPRI, said its analysis was based on preliminary and incomplete data. Mr. Handy said these proposals should not come forward until after CEPRI review and recommendation. Mr. Fair asked the Commissioner to recommend a process for the proper review of these proposals. Dr. Proctor added that a timeframe for the review would also be helpful. Commissioner Horne noted that of the \$3 million initially appropriated to support these baccalaureate programs at the community colleges, approximately \$275,000 was still available. Mr. Handy added that the request to fund the second year of the programs previously approved by this Board were included in the budget request.

8. Recommendations from the Governor's Emerging Technology Commission

Mr. Handy said the Board had received the recommendations from the Governor's Emerging Technology Commission to fund three Centers of Excellence, for \$10 million each, at FAU, UCF and UF. He welcomed the distinguished guests who would present these recommendations.

Senator Ron Klein said he had been an enthusiastic member of the Commission and was pleased to support the Governor's commitment to Florida's technology as mentioned in his State of the State speech. He said he heartily endorsed the Governor's charge to create world-class research in Florida. He said he had been impressed by the evidence of collaboration among the universities in their proposals. He said he hoped for Florida to emulate those states that had made a serious commitment to fund this research. These proposals represented a serious commitment to support new biotechnology research efforts. All the proposals were very exciting.

Governor Bush said he was pleased to support the work of the Commission. He said the Commission members were a thoughtful group of people who understood the importance of this type of research, and its value in creating a diverse economy for Florida. He said he was pleased with the process they had followed in making these recommendations.

Mr. Joe Lacher, Chairman of the Commission, said the Commission had rigorously adhered to the statute. The Commission had met five times around the State. It had learned about best practices from other states, and developed the criteria for the Requests for Proposals. The Commission had heard a total of 16 one-hour presentations, and had selected the three to be recommended to this Board at its last meeting.

Mr. Fair moved that the Board approve the recommendations from the Emerging Technology Commission to create three Centers of Excellence, to be funded at \$10 million each, as follows: the Center of Excellence for Biomedical and Marine Biotechnology at Florida Atlantic University, the Photonics Center of Excellence at the University of Central Florida, and the Center of Excellence in Regenerative Health Biotechnology at the University of Florida, and to direct the Commissioner of Education to submit the final plan, as required, by March 22, 2003. Dr. Proctor seconded the motion.

The Board heard presentations on each of the proposed Centers. Dr. Russ Kerr explained the proposed research and training at the Center to be established at FAU. Dr. Eric Van Stryland explained the research and the technology to be developed at the Photonics Center at UCF, and Dr. Sheldon Schuster explained the activities and the research proposed for the Center at the University of Florida.

There were no further comments, and members of the Board concurred unanimously.

9. Request to Increase the Statutorily Imposed Charter School Cap for Select Schools in Miami-Dade County

Mr. Handy said the School Board of Miami-Dade County had requested that the Board approve its request to lift the statutorily-imposed cap on the number of charter schools, on behalf of named applicant schools in Miami-Dade County, as presented. Dr. Proctor so moved. Mr. Fair seconded the motion.

Ms. Bradshaw said she wanted to be clear about this policy issue, as one of the charter school appeals presented in the Agenda required the Board to raise the cap on the number of charter schools in a district absent the district's request. Dr. Proctor said current law included caps on the number of charter schools in a district. He said that, in accordance with the concept of devolution of authority, he would accede to the decision of the district rather than supersede their decision. Mr. García said he supported accountability and excellence.

There were no further comments, and members of the Board concurred.

10. Charter School Appeals

Mr. Handy explained that under the new School Code, Section 1002.33, F.S., this Board would remand its decisions on appeals from charter schools in writing to the districts for them to implement. Ms. Johnson inquired of the standard for this Board's review. Mr. Kooi explained that the Board was to base its decision on substantial competent evidence, and this Board's action was to uphold or overturn the decisions of the statutory Charter School Appeal Commission.

A. Change Agent Programs/MACH 4 vs. the School Board of Osceola County, Florida

Ms. Bradshaw moved that the Board adopt the recommendation of the Charter School Appeal Commission that the decision of the School Board of Osceola County to deny the MACH 4 Charter School Application be overturned. Mr. Fair seconded the motion.

Mr. Tom Greer, Chair, Osceola School Board, explained the position of the School Board denying the Charter because of issues of accountability, limited experience on the FCAT with other approved charter schools in the district, and fiscal concerns. The School Board voted 5-0 against the application. Ms. Laura Pearce argued that the School Board was unable to show evidence of good cause to deny the application. The school has asked this Board to approve the application and has also requested that this Board lift the cap on the number of charter schools in the district.

Mr. Handy noted the school's request to lift the cap. He said the statute allows either the school or the district to make that request. Dr. Proctor inquired as to the rationale of the Appeal Commission in recommending that this Board override the School Board on the cap. The Commissioner said the Commission had looked at the merits of the application, and the mechanism to raise the cap at the request of the school. He noted that there was pending legislation to remove the caps from the law. Mr. García noted the high percentages of students not performing at grade level in the district. Ms. Johnson inquired about the criteria to raise the cap. Mr. Handy responded that the Board needed to receive the request of the school or the district. Mr. Horne said the Commission's vote was 6-2 for the school.

There were no further comments. The motion failed, Dr. Proctor, Mr. Fair, Dr. Eads, and Ms. Johnson voting no.

B. Change Agent Programs/MACH 4 vs. the School Board of Orange County, Florida

Mr. Fair moved that the Board adopt the recommendation of the Charter School Appeal Commission that the decision of the School Board of Orange County to deny the MACH 4 Charter School Application be upheld. Dr. Proctor seconded the motion.

Ms. Laura Pearce argued for the school that its charter application had been amended to provide all the information requested in sufficient time for the School Board's consideration. Mr. Michael Olenick argued on behalf of the School Board that the application contained errors and omissions, and that the school had failed to adhere to the Board's timeline for the submission of charter applications.

Ms. Bradshaw inquired whether the decision was based on procedural or substantive grounds. Speakers from the School Board responded that there were a number of questions about the application, even after the additional material was provided.

Members concurred unanimously in the motion.

C. Round Lake Elementary School vs. the School Board of Lake County, Florida

Mr. Fair moved that the Board adopt the recommendation of the Charter School Appeal Commission that the decision of the Lake County School Board to deny the Round Lake Elementary Charter School conversion be overturned. Dr. Eads seconded the motion.

Mr. Lewis Stone argued for the school that the district had denied the proposed charter school conversion on the grounds of the negative fiscal impact of the conversion on the financial status of the district as a whole and that this did not constitute good cause for the denial. Mr. Michael Olenick argued that the district had relied on the provisions of the previous statute, Sec. 228.056, F.S., under which fiscal concerns constituted good cause for the denial.

Dr. Proctor said he was concerned that financial impact did not constitute a legitimate reason for a district to deny a charter. Dr. Eads clarified that conversion schools were not counted within the charter school cap. Mr. García said he wanted to be clear that this Board was operating under the provisions of the current statutory provisions, Sec. 1002.33(6), F.S. Mr. Handy concurred.

Members concurred in the motion, with Dr. Proctor voting no.

D. The Ranch School, Inc. vs. the School Board of Sarasota County, Florida

Mr. Fair moved that the Board adopt the recommendation of the Charter School Appeal Commission that the decision of the School Board of Sarasota County to deny the Ranch Charter School Application be upheld. Dr. Eads seconded the motion.

Ms. Mari-Jean Melissa argued for the school that the school had met the concerns of the district in its educational design. Mr. Ken Marsh argued for the School Board that it was very supportive of charter schools, but that the academic design for the school was weak. He said they had offered assistance to strengthen the program. Commissioner Horne agreed that the program was innovative, but that the application lacked specificity. The Commission had made it clear that the parties should get together and develop a stronger proposal.

Members of the Board concurred unanimously in the motion,

E. Progressive C. Learning Center vs. the School Board of Broward County, Florida

Mr. Fair moved that the Board adopt the recommendation of the Charter School Appeal Commission that the decision of the School Board of Broward County to deny the Progressive Learning Charter School Application be upheld. Dr. Eads seconded the motion.

Ms. Rosalie Jenkins argued for the school asking the Board not to deny the application. She said that proper procedures had not been followed in the application process. Mr. Robert Vignola argued for the School Board that it had numerous reasons to deny the application including budget and cost overruns, as well as problems with the academic design and the management of the school. He said the school had been encouraged to reapply with a stronger proposal. Dr. Alex Penn-Williams advised the Board that the school had not been represented at the Commission meeting.

Mr. García inquired if there were other instances when a charter school had reapplied after an application had been denied. The Commissioner said there had been. Ms. Bradshaw inquired about the district's original denial. Mr. Vignola said the district's first response had identified only the most compelling reasons for the denial, not all of the reasons, and had asked for further information. He added that the school district had established a Charter School Task Force to assist proposed charter schools. He advised that Broward County was at its prescribed cap.

Members of the Board concurred in the motion, with Mr. García voting no.

F. Gulf Coast Academy of Science and Technology vs. the School Board of Hernando County, Florida

Mr. Fair moved that the Board adopt the recommendation of the Charter School Appeal Commission that the decision of the School Board of Hernando County to deny the Gulf Coast Charter School Application be overturned. Dr. Eads seconded the motion.

Mr. Nevin Seifert and Mr. Joe Gatti gave a presentation on their proposal for a science and math charter middle school. They said this would be the first charter school in Hernando County. The School Board of Hernando County was not represented.

Members of the Board concurred unanimously in the motion.

11. Consent Agenda

Mr. Fair moved that the Board approve the following items, as presented. Dr. Eads seconded the motion, and members of the Board concurred.

- A. Resolution requesting the Division of Bond Finance of the State Board of Administration to issue Revenue Bonds on Behalf of FAU to Finance the Construction of a Student Housing Complex at FAU's Boca Raton Campus

The Board approved the financing plan and adopted a resolution authorizing the issuance of fixed rate, tax-exempt revenue bonds by Florida Atlantic University in an amount not to exceed \$24,045,000 to finance additional student housing facilities at FAU's Boca Raton campus, and further, authorized the Chair, the Vice Chair, the Chief Financial Officer and other authorized representatives of the State Board of Education to execute the necessary contractual documents related to the financing of the project, as presented. Agenda item approval by the State Board of Education, and subsequently, the Board of Governors, will be contingent upon approval by the 2003 Legislature. Approval by the Legislature, if granted, will be effective July 1, 2003.

- B. Resolutions authorizing the Issuance and Sale of Not Exceeding \$455 million State of Florida, Full Faith and Credit, State Board of Education, Public Education Capital Outlay Refunding Bonds, 2003 Series A

The Board adopted resolutions authorizing the issuance and sale of the subject Public Education Capital Outlay refunding bonds by the Division of Bond Finance of the State Board of Administration, as presented.

- C. Approval of Amended Rule 6A-3.0171, Responsibilities of School Districts for Student Transportation, and Amended Rule 6A-3.0291, Specifications for New School Buses

The Board approved proposed amended Rule 6A-3.0171, Responsibilities of School Districts for Student Transportation, and proposed amended Rule 6A-3.0291, Specifications for New School Buses, as presented.

12. Miscellaneous

Mr. Handy said the Board meeting on April 15, 2003, would be held in Tallahassee. The Board already had meeting dates set for May 20, 2003, and June 17, 2003. He suggested that the Board not meet in July and hold a budget workshop on August 18, prior to the August 19, 2003, meeting. Ms. Johnson suggested that the Board hold a workshop on FCAT as a part of the April meeting. Commissioner Horne said the Department would not have the scores from the most recent test administration by that time. Mr. Fair said it was important for this Board to show its concern and interest for the students. Mr. García said he was interested in the impact of the FCAT on Hispanic students.

Dr. Proctor said he was concerned with the message that the financial implications on the district as a reason to deny a charter school application was not viewed as a good cause reason to deny the application. He said it was the district's responsibility to equalize opportunities for all students within the district. This position might harm the district's ability to achieve that equalization.

Mr. García alerted the Board that he would be overseas on April 15, 2003, but planned to participate in the Board meeting via telephone conference call. Mr. Handy said he would ask the staff to be sure a telephone connection would be available.

Dr. Eads inquired about funding for the baccalaureate degree programs at Miami-Dade Community College, as approved by the Board the previous year. Commissioner Horne indicated that funding was included in the Appropriations Bill.

13. Adjournment

Having no further business, Chairman Handy adjourned the regular meeting of the State Board of Education at 4:15 p.m., March 18, 2003.

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F. Philip Handy,  
Chairman

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Mary-Anne Bestebreurtje,  
Corporate Secretary