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STATE BOARD OF EDUCATION  
UNIVERSITY OF MIAMI  
CORAL GABLES, FLORIDA  
JANUARY 21, 2003

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Mr. F. Philip Handy convened the meeting of the State Board of Education in the Wellness Center, University of Miami, Coral Gables, Florida, at 8:35 a.m., January 21, 2003, with the following members present: Sally Bradshaw, Linda J. Eads, T. Willard Fair, Charles P. García, Julia L. Johnson, and William L. Proctor.

1. Call to Order

Mr. Handy thanked President Shalala and the University of Miami for hosting this first meeting of the new State Board of Education. He introduced Ms. Sally Bradshaw, and extended thanks to Ms. Carolyn Roberts for her service to the Florida Board of Education. He said appointments to this Board were subject to Senate confirmation.

2. Election: Chair and Vice Chair

Mr. Fair moved that the Board elect Mr. Handy as its Chair. Mr. García seconded the motion, and members concurred unanimously. Mr. García moved that the Board elect Mr. Fair as its Vice Chair. He said Mr. Fair had experience with the Charter School he had founded in Miami, with the Miami-Dade Community College Board, and with the FIU Foundation Board, and service to the Florida Board of Education. Dr. Eads seconded the motion, and members concurred unanimously. Mr. Fair thanked them for their confidence in him.

3. Member Comments and Observations

Dr. Eads thanked Dr. Kim McDougal for the Legislative Summit held on January 6, 2003. She said it had been helpful to learn the issues of interest to the education associations. On January 13, 2003, she had been with Dr. Proctor in Daytona Beach with the school site administrators. On January 17-18, 2003, she had attended the National Association of State Boards of Education to learn about the roles of charter and public schools, and issues of accountability and funding.

Mr. Fair recognized Dr. Castell Bryant, a member of the Board of Governors. Mr. García thanked Mr. Winn for his excellent presentation to the President's Advisory Commission on Educational Excellence for Hispanic Americans. Ms. Bradshaw said she was honored and humbled by this appointment, knowing the Governor's high expectations for this Board.

4. Chairman's Report

Mr. Handy said this Board was now the State Board of Education, as approved in November 1998. He said the Board would follow Roberts Rules of Order. He suggested that the Board accept public testimony only as to its action items, limited by

time and topic. Ms. Johnson said she looked forward to greater public participation, and that it would be helpful to know who had expressed an interest in speaking to the Board during the member briefings. Mr. Handy asked staff to develop a procedure for taking public testimony. Mr. García suggested that the agenda be posted on the website so members of the public could pose questions directly to the site, as was done with the School Code.

Mr. Handy said this Board had a unique opportunity to improve education significantly. This Board would embrace the principles, mission and values included in the Florida Board's Strategic Plan, i.e., accountability, student-centered, access and articulation, and devolution. With the new State Board, and the Department as an executive agency, the Governor now has clear responsibility for education policy. Further, the search process previously used to hire Chancellors would be replaced. The Commissioner has the statutory authority to hire senior personnel. He described the Boards now in place and said the success of all the Boards was dependent on good relationships among them. Dr. Proctor said he was interested in a clear definition of the rights and privileges of a "body corporate" in state law.

Mr. Handy said this Board now had rulemaking authority and asked staff to brief the Board on these duties at the next meeting. Mr. Fair said it would be helpful to include the statutory reference in any agenda item requiring Board action. Mr. García suggested a committee structure for the Board; Dr. Eads suggested workshops.

5. Approval of Minutes of Meetings: December 10, 2002; January 2, 2003

Dr. Proctor moved that the Board approve the Minutes of the Meetings held December 10, 2002, and January 2, 2003, as written. Mr. Fair seconded the motion, and members of the Board concurred.

6. Appointment, Commissioner of Education

Dr. Proctor moved that the Board appoint Jim Horne, Commissioner of Education. Mr. Fair seconded the motion, and members of the Board concurred unanimously. Commissioner Horne thanked the Board for its confidence and he pledged to give 110 percent to this important work. He said that since the December meeting of the Board, he had met with the Governor and the Transition Team, and with the Chairman, to develop the nine criteria by which his performance would be evaluated. Mr. Fair inquired about the timeframe. Mr. Handy said the clock began on January 7, 2003, but the criteria represented a broad outline and issues for evaluation going forward which could be revisited, as necessary. Members commented on the criteria, how they would be measured and how they related to the priority for the Department. Commissioner Horne committed to presenting a Marketing Plan at the Board's February meeting.

7. Commissioner's Report

Commissioner Horne said he had spent a great deal of time in Tallahassee the past two months, leading the Department. He had attended an event in Orlando with

third graders to discuss how to distinguish heroes and celebrities, and a Symposium at FSU on the implementation of the Class Size Amendment. He had made numerous presentations to legislative committees.

A. Recognition: Ms. A. Louise Harms

Commissioner Horne recognized Ms. Louise Harms, Principal, North Twin Lakes Elementary School, for her enthusiasm and her love for children. He said her elementary school is an "A" school for the second time after receiving a "D" in 2000 and an "F" in 1999. He said she had created a dynamic leadership team with school representatives and the surrounding community to foster student achievement in every grade, also serving as a writing instructor.

Ms. Harms thanked the Board for this special recognition. She said she would do whatever it takes to help her students. She said she enfranchised students as "stakeholders," reaching out to parents and teachers. She said she was confident that children could and would learn.

B. Just Read, Florida! and Initiative to Align Teacher Training

Ms. Openshaw distributed the new requirements, promulgated by rule, incorporating the increases in reading coursework in preservice teacher preparation programs and the addition of content requirements in specialization requirements for teacher reading certification and reading endorsement. She said the emphasis on reading was creating a huge demand for reading teachers and the Department was working to address that need. She also described the requirements to satisfy the new reading endorsement program, allowing 15 hours of reading coursework, rather than the 30 hours. She noted that the Educational Leadership program for principals did not include a reading component, and that was being addressed.

Dr. Proctor questioned the number of additional hours in reading that will be required for the reading endorsement over and above the 12 already required for teacher certification. Mr. García noted that the low percentage of Hispanic students reading at grade level in the third grade had a high correlation to the drop-out rate. Ms. Johnson complimented Ms. Openshaw on her work with the Reading Transition Team. She said the Historically Black Colleges and Universities were excited about the reading initiatives. Mr. Handy noted that the previous piecemeal approach by delivery system had not been effective and he was pleased with the joint approach of the Colleges of Education and the Department.

C. Personnel Issues

Commissioner Horne said the search process used by the Florida Board had been superseded by the statute authorizing him to appoint his staff. He said he planned to review his proposed senior staff appointments with members of the Board. He said he planned to appoint the head of the Division of Colleges and

Universities and hoped for continued collaboration of this Board and the Board of Governors. He described some of the senior positions which were currently vacant or soon to be vacant, including the Chief Financial Officer and the Director of Marketing. He encouraged members of the Board to submit names of potential candidates. He also said he proposed to create several "field" offices around the State.

Commissioner Horne described how the Governor's priority on reading was being implemented within the Department. He described the K-20 reorganization and the merger of the previously separate systems to enable the Department to better serve its customers. He said he was particularly pleased that he could now email all the teachers in the State. He said he continued to review the core mission of the Department and the possibility of outsourcing functions. He said the priorities of the Department were reading, parental choice, "A+" schools and Assistance Plus, and the personnel should be similarly aligned. He said he would present his plan to the Board in February.

#### D. Overview of the Governor's Executive Budget Recommendations

Commissioner Horne said the Governor had just released his Budget Recommendations. He said education spending represented 43.2 percent of the total 2003-'04 budget. The Governor had recommended funding for specific priorities, including \$281.5 million for Teacher Initiatives, \$628.2 million for the operating costs to reduce class size, and the funds for 53,400 new students in the public schools. Community Colleges would receive \$1.4 billion, and a recommended 7 percent tuition increase; the universities would be funded with \$2.4 billion, a \$111.5 million reduction, with a 7.5 percent tuition increase and a 5 percent tuition differential. He noted that the universities received about 45 percent of their total funds from the State. He reviewed the recommended budget for Workforce Development, the several financial aid programs, and Fixed Capital Outlay. Staff had calculated the cost for facilities for class size reduction at \$2.442 billion. The priorities for the education budget are enrollment, class size, reading and teaching.

Ms. Bradshaw commented that in marketing the Department, it was important to educate citizens about the costs of implementing these programs, particularly the class size reduction. Mr. García noted that operating costs for the class size reduction did not include costs for new teachers and new space. He said he hoped funds were provided the community colleges to implement the four-year programs this Board had approved in May, 2002. Dr. Eads said it might be helpful to establish a study group to review the possibilities for an on-line school to alleviate some of the pressures of class size reduction. Commissioner Horne said the issues of State-funded scholarships and tuition increases, and the discretion given the University Trustees to determine out-of-state, graduate and professional fees were huge.

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

8. Implementation of Constitutional Amendments

➤ Amendment 8, Universal Pre-Kindergarten

Commissioner Horne said there were a number of issues surrounding the implementation of Amendment 8, including appropriate governance for school readiness, funding and infrastructure. There are also issues of program standards, services and curriculum. Mr. Handy said he expected these issues to be addressed during this Session, and suggested that the Commissioner come forward with an Issue Paper for review at the Board's March meeting.

Dr. Proctor suggested that the role of the Education Standards Commission should be included in the Issue Paper. Commissioner Horne said he would seek input from the affected stakeholders. Ms. Bradshaw commented that the Board should recognize the time needed to implement these initiatives prior to the effective date of 2005. Mr. Handy said it was important for this Board to exercise its leadership on this Amendment. Commissioner Horne said this Board should, at a minimum, have a position on the proper placement of pre-kindergarten.

➤ Amendment 9, Class Size Reduction

Mr. Winn advised the Board of activities underway to comply with the implementation of Amendment 9. He said staff intended to maintain equity in the allocation of capital and operating funds, and in allowing maximum flexibility to the districts in the first required class size reductions. He said staff members were surveying the districts to assess facility capacity and use of space. He said construction of new classroom space was not a viable option in the first years, but they did need to explore options, including virtual classrooms and available space in the ICUF schools and community colleges. The State should not invest in portables. A Senate Select Committee had been named to address this Amendment; the Governor would be making recommendations on its implementation.

Dr. Proctor inquired about the FISH, Florida Inventory of School Houses. Mr. Winn responded that it is a capacity survey, not a utilization survey. Dr. Proctor inquired about the role of this Board, noting that the pace for implementation could move quickly. The Commissioner concurred that this Board should have a position. The staff needed to set the definitions and the parameters for the school districts. It was key to gather the facts. He said he would have further information in February.

➤ Amendment 11, Board of Governors

Commissioner Horne said the Governor had appointed the 14 members of the Board of Governors. He said he served as a voting member, as did the Chair of the Advisory Council of Faculty Senates, and the President of the Florida Student Association. The Board had met on January 7, 2003; had elected its officers; and adopted several resolutions: to adopt the rules of the former Board of Regents, to delegate duties and responsibilities to the University Boards of Trustees, to delegate to the Commissioner the authority to hire staff, and to authorize the Department's General

Counsel to represent the Board in any lawsuits. He said the Chancellor would be expected to work with both the State Board and the Board of Governors. It was expected that the Board of Governors would meet quarterly.

9. Consideration of Alternative Assessment and Portfolio Guidelines for 3<sup>rd</sup> Grade Promotion

Mr. Winn explained that under the public school student progression law eliminating social promotion, students who scored at Level 1 on the grade 3 reading Florida Comprehensive Assessment Test may be promoted to grade 4 if the student demonstrates an acceptable level of performance on an alternative standardized reading assessment demonstrating mastery of 3<sup>rd</sup> grade skills approved by this Board. He said staff recommended the grade 3 reading Norm Referenced Test portion of the FCAT or the SAT-9 alternative assessment, as the standardized assessments to be used. He said the Department had a history of this test in reference to the FCAT, rather than going to the market and evaluating all the possible Norm Referenced Tests available. It was also recommended that the SAT-9 be administered one time, following the receipt of the grade 3 student reading FCAT scores or during the last two weeks of school, whichever occurs first, for student promotion purposes. This would allow the promotion of 4 percent more students. Mr. Fair moved that the Board approve the alternative assessments for grade 3 promotion, as presented. Ms. Johnson seconded the motion.

Mr. Winn said the law also provides a third alternative for promotion, that a student demonstrates, through a student portfolio, that the student is reading on grade level and a mastery of the Sunshine State Standards in reading, in accordance with the criteria presented in the Agenda. The work must be done independently by the student in the classroom; the teacher must select the material. Mr. Winn noted that the Legislature had sent a clear message that it expected the State Board to enforce the education laws, particularly issues of promotion. He said there was an important role for the Department in assuring that schools were working with the students retained to help them succeed. Mr. Fair moved that the Board approve the criteria for the student portfolio assessment, as presented in the Agenda. Dr. Eads seconded the motion.

Dr. Proctor inquired about the number of additional students who would be promoted under the portfolio assessment. Mr. Winn said an additional 20 percent would be promoted. Dr. Proctor further inquired whether the portfolio standards would comply with NCLB, noting that the results of the portfolio standards did not have the consistency of testing. Mr. Winn noted that the portfolio assessment focused on the skills mastered since the administration of the FCAT. Dr. Proctor suggested that if the districts using the alternative portfolio assessment reported dramatically different passage rates, the Board might wish to revisit the issue. Ms. Bradshaw noted that the portfolio was an end of school year measure; there was no intent to lower standards.

Mr. García inquired about any national assessment for reading. He suggested that it was important to find best measures and reading benchmarks for K-2. He said he was uncomfortable with the creation of loopholes for social promotion, and that he would rather find ways to help children learn to read before being promoted. Mr. Fair

added that staff should be monitoring the results to prevent the portfolio from being a weakening of expectations; the Commissioner should bring a plan back for the Board's review. The Commissioner said there was no intent of weakening; the legislation authorized the portfolio assessment as a faithful demonstration of third grade mastery of the Sunshine State Standard skills. Dr. Eads said the portfolio could only be as good as the individual doing the certifying.

Mr. Fair added to his previous motion that acceptance of the portfolio assessment was contingent on a satisfactory monitoring plan to measure the efficacy of this alternative. There were no further comments. Members of the Board concurred in the motions, as amended, with Mr. García voting no.

10. Florida's Submission to Implement "No Child Left Behind"

Mr. Winn said he had hoped this could be an action item, but discussions with the U.S. Department of Education continued on the concepts of accountability. In compliance with the spirit and intent of the law, Florida was far along with its accountability systems already in place. He described some of the differences. NCLB is a status model, measuring performance of this year's third graders and looking at next year's third graders. Florida is implementing learning gains by its students; very few states are looking at these gains. NCLB requires measurements of each racial and ethnic subgroup and the failure of a school to meet annual targets in any one of these subgroups, so there are at least 45 opportunities to miss a target. Florida incorporates the bottom quartile of students and the schools are held accountable for this group. This method captures more students than the subgroup method, and identifies students needing the assistance. NCLB is a conjunctive model, showing a pass or fail on each score. Florida's school grading looks at a full array of data tracking students on a vertical scale to determine what each child needs to reach proficiency within four years.

Dr. Eads inquired whether the districts had been informed. The Commissioner said they had not yet been advised. He said the Board would be briefed on Florida's final submission.

11. 2003 Legislative Agenda and Education Legislative Priorities

Dr. McDougal said Commissioner Horne had spent the past week making numerous presentations to House and Senate Committees. She presented the legislative agenda which had been built around the Board's Strategic Imperatives. She said the Legislative Summit on January 6, 2003, had provided an overview of the issues with all the stakeholders. Dr. Eads moved that the Board approve the legislative package; Ms. Johnson seconded the motion.

Mr. Fair inquired about the role for the Board during Session. Commissioner Horne encouraged the Members to contact legislators to support the Board's package. Dr. Proctor inquired about the "passport alternative certification process." He said there were some innovative teacher education programs which were good; others were not. The Commissioner said he would review these to be certain of their rigor. There were no further comments, and members of the Board concurred.

12. Palm Beach County Charter District Proposal

Mr. J.C. Bowman said the Agenda included the request from Palm Beach County for Charter School District Status. He said that Volusia, Hillsborough, and Orange Counties were currently Charter School Districts. Essentially, the District sought this status and exemption from statutory requirements and administrative rules in exchange for higher performance standards for its students. The Board is authorized to create up to six Charter School Districts. Dr. Art Johnson, Superintendent, described the School District's proposal noting that the District shared the Board's goals for excellence in student achievement

Mr. Fair moved that the Board approve Palm Beach County School District's application for Charter School District status, as presented. Dr. Proctor seconded the motion.

Mr. García supported the proposal. He said he was personally familiar with Dr. Johnson and his leadership and was comfortable in investing him with the trust of this Board in making this proposal succeed. Dr. Eads said that while she liked the idea of the charter district, she did not feel she had sufficient information to support this proposal.

Dr. Proctor inquired whether the School Board was united in support of this proposal. Dr. Johnson said they were, and that all the incumbent members were recently re-elected. He said the community was also supportive. Dr. Proctor noted that the proposal referred to "barriers," and he asked, time permitting, if a listing of those barriers could be provided. Dr. Johnson described the barriers to school entrepreneurship. He noted that there was also internal resistance to change and a tendency to hide behind old rules and regulations. He noted that staff in the Department had been helpful to the District in crafting the proposal.

Mr. Handy said he was interested to know how the three current charter school districts were using this status to benefit students. He said if this were good for four counties, it might be good for all 67 counties. Mr. Fair said these were still test cases, and there was no final determination of success or failure. He said as more of these requests came to this Board, there should be a set of expectations as to outcome. He suggested that staff prepare an Issue Paper outlining these criteria. The Commissioner noted that there was some confusion about the distinctions between charter schools and charter school districts.

There were no further comments. Members of the Board concurred, with Dr. Eads voting no.

13. Recommendations to Expand FCAT Accommodations for Students with Disabilities

Ms. Shan Goff said the Board had accepted the report from the Governor's Blue Ribbon Task Force at its December 2002 meeting. She said the Department was expanding the allowable FCAT accommodations for students with disabilities for the

March 2003 administration and was providing additional information and support to districts, teachers and parents to implement these changes. She provided background information, noting that 87 percent of students with disabilities participate in the FCAT. She distributed information about the Grade 10 Reading and Math Sunshine State Standards. She described the Department's proposed accommodations in response to the Governor's Task Force, which would not affect the validity of the test, but would change what the test might look like. Certain alternative assessments being considered would require statutory change.

Dr. Eads moved that the Board approve the Department's proposed Action Plan, making certain accommodations without altering the efficacy of the test, as presented. Dr. Proctor seconded the motion.

Dr. Proctor inquired if there were a State approved roster of accommodations. Ms. Goff said there was such a list. Dr. Proctor noted that ADA accommodations at the post-secondary level were not the same as those provided under the IDEA. Ms. Goff said that the accommodations under discussion were only applicable to the FCAT test at the secondary level.

There were no further comments. Members of the Board concurred unanimously.

14. Approval of Amended Rules 6D-7.007, Code of Student Conduct, and Rule 6D-7.0072, Grounds for Disciplinary Action, Florida School for the Deaf and the Blind

Ms. Johnson moved that the Board approve proposed amended Rules 6D-7.007, Code of Student Conduct, and Rule 6D-7.0072, Grounds for Disciplinary Action, Florida School for the Deaf and the Blind, as presented. Dr. Proctor seconded the motion, and members of the Board concurred.

15. Consent Agenda

Ms. Johnson moved that the Board approve the following items, as presented. Dr. Proctor seconded the motion, and members of the Board concurred.

- A. Community College Funding Study as required by the 2002-03 Appropriations Act

The Board accepted the Community College Funding Study as required by the 2002-2003 Appropriations Act, as presented.

- B. State Universities' Equity Funding Report as required by the 2002-03 Appropriations Act

The Board accepted the State Universities' Equity Funding Report, as required by Proviso language in the 2002-03 General Appropriations Act, as presented, and authorized the Commissioner of Education to develop and issue the final report.

- C. Resolution Authorizing the Competitive Sale and Delivery of Not Exceeding \$237,600,000 State of Florida, Full Faith and Credit, State Board of Education, Public Education Capital Outlay Bonds, 2001 Series H.

The Board approved the resolution authorizing the competitive sale and delivery of not exceeding \$237,600,000 State of Florida, Full Faith and Credit, State Board of Education, Public Education Capital Outlay Bonds, 2001 Series H, as presented.

- D. Resolutions Authorizing the Issuance and Sale of Not Exceeding \$175,000,000 State of Florida, Full Faith and Credit, State Board of Education, Public Education Capital Outlay Refunding Bonds

The Board approved the resolutions authorizing the issuance and sale of not exceeding \$175,000,000 State of Florida, Full Faith and Credit, State Board of Education, Public Education Capital Outlay Refunding Bonds, as presented.

16. Miscellaneous

Mr. Handy said the next meeting of the Board would be held on Tuesday, February 18, 2003, in Jacksonville. He said materials would be sent to the Board one week prior to the meeting.

17. Adjournment

Having no further business, Chairman Handy adjourned the regular meeting of the State Board of Education at 3:25 p.m., January 21, 2003.

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F. Philip Handy,  
Chairman

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Mary-Anne Bestebreurtje,  
Corporate Secretary