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FLORIDA BOARD OF EDUCATION
CABINET MEETING ROOM, THE CAPITOL
TALLAHASSEE, FLORIDA
DECEMBER 10, 2002

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Chairman F. Philip Handy convened the meeting of the Florida Board of Education in the Cabinet Meeting Room, The Capitol, Tallahassee, Florida, at 8:40 a.m., December 10, 2002, with the following members present: Linda J. Eads, T. Willard Fair, Charles P. García, Julia Johnson, William Proctor, and Carolyn K. Roberts.

1. Greetings

Mr. Handy welcomed members, staff and guests to Tallahassee. The Pledge of Allegiance was recited.

2. Approval of Minutes of Meeting held October 24, 2002

Dr. Proctor moved that the Board approve the Minutes of the Meeting held October 24, 2002, as written. Mrs. Roberts seconded the motion, and members of the Board concurred.

3. Member Questions/Observations

Mr. García said he was serving as an ex officio member of FAU's Presidential Search Advisory Committee. He said it would be helpful if this Board developed a model set of rules for the conduct of presidential searches. Dr. Eads publicly recognized and thanked Miami-Dade Community College, St. Thomas University, and the Annenberg Challenge for their partnership to assist Miami Central High School, a "D" school.

Mr. Handy said this Board would address the implementation of the Constitutional Amendments approved by the voters. He said that on January 7, 2003, this Board would become the Constitutionally-mandated State Board of Education, with many additional duties. He suggested that the Board consider meeting on the third Tuesday of each month. He distributed to the Board members an evaluation form to evaluate Secretary Horne's performance. He asked that members complete and return these forms to him.

4. Recognition: Dr. Tom Fisher

Secretary Horne said it was a pleasure to recognize Dr. Tom Fisher with the "Apple Award." He said the State of Florida was fortunate to have had Dr. Fisher as the brains behind Florida's accountability programs for the past 26 years. He described Dr. Fisher's illustrious career as the architect of Florida's testing and assessment programs, measuring students from grade school through college. He noted that Dr. Fisher had

been the key witness in the defense of the high school assessment test, still regarded as the landmark case in statewide assessment. Members of the Board applauded.

5. Secretary's Report

Secretary Horne reported that he had spent the campaign season speaking in opposition to Amendments 9 and 11; the Department would now work to implement the will of the voters. He said the law prescribed four major tasks for the new Florida Board of Education: the development of a unified K-20 budget; a revised School Code; a Strategic Plan for K-20; and reorganization of the Department. He said he had spent the past months evaluating the strengths and weaknesses of the Department, which he wanted to become a high quality organization delivering services to its customers. The primary question throughout this review was "are we (in the Department) doing the right things." As the Department moves into its new structure and takes on new duties, it will continue to focus on the Governor's priorities.

Mr. Horne said key staff members were meeting with the Governor's Education Transition Team. He reported that the K-12 Chancellor search was ongoing, and that he hoped to bring a recommendation on that search to the Board in January.

Dr. Eads moved that the Board approve the Secretary's Report. Mrs. Roberts seconded the motion, and members of the Board concurred.

6. Delivery System Action Items

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

A. State Universities' Accountability Report

The Board approved the State Universities' Accountability Report, as required by Section 1008.46, F.S., and authorized the Secretary of Education to develop and issue the final report, as presented.

B. Request to Sublease Property, FGCU

The Board approved the sublease of a parcel of land containing approximately 15,381 square feet located in Lee County, Florida, and further, authorized the Chancellor, Division of Colleges and Universities, or his designee, to execute the documents required by the Florida Department of Environmental Protection for the transaction, as presented.

C. Award of Tenure as part of a Settlement Agreement, FAMU

The Board ratified the recommendation from Florida A and M University to award tenure to Dr. Christina Johns, Professor, College of Arts and Sciences, as part of a settlement agreement, as presented.

- D. Resolution of the FBOE Authorizing the Issuance of Debt Not to Exceed \$6 Million to Refinance All or a Portion of Certain Outstanding Debt, FSU International Programs Association, Inc.

The Board approved the resolution authorizing the Florida State University International Programs Association, Inc., to issue debt in an amount not to exceed \$6 million for the purpose of refinancing all or a portion of outstanding bonds and notes, as presented.

- E. Second Amendment to Agreement: FBOE and Tallahassee-Leon County Civic Center Authority

The Board approved the Second Amendment to an Agreement between the Florida Board of Education as successor to the Board of Regents of the State of Florida, the Tallahassee-Leon County Civic Center Authority, the City of Tallahassee and Leon County, entered into on March 9, 1976, as presented.

- F. Certification of Review of Presidential Evaluations, Community College Presidents

As required by Section 240.319(4)(a), F. S., each local Board of Trustees at the community colleges is to conduct periodic evaluations of its college president and submit the evaluations to the State Board of Community Colleges, now the Florida Board of Education. The State Board reviewed the evaluations to assure that the statutory requirements for the review were met. Chancellor David Armstrong has reviewed the evaluations, as submitted, and has certified that the colleges have completed the evaluations, as required. The Board accepted the report.

7. Secretary's Recommendations on the 2003-2004 K-20 Budget Request

Secretary Horne said the budget would normally be presented to the Board in September; that had seemed irresponsible given the costs associated with the Constitutional Amendments on the November ballot. Secretary Horne reviewed the Board's budget priorities, including access to quality education for K-20, class size reduction, reading, and quality teaching. He said it would cost \$821 million to fund enrollment growth; \$628 million to fund operating costs for class size reduction; and \$20 million to fund the Board's Strategic Imperative Projects. To address the Governor's priority, \$78 million in State and Federal funds will be dedicated to reading.

He recommended a \$1.1 billion increase to fund the Florida Education Finance Program; \$714 million for Supplemental Academic Instruction; \$76 million for the Excellent Teaching Program; and \$122.7 million for A+ School Improvement Recognition Funds; significant additional funds to the districts for Assistance Plus; for a total of \$1.17 billion for K-12. He also recommended that the State remove the 5-year cap on the DROP program. The budget included increased funding for both Need Based Financial Aid and for the Florida Resident Access Grants, as well as increases

for Merit Based Aid. He recommended \$5 million for Programs of Prominence at the universities; increases of 7.5% across-the-board tuition and 5% discretionary fees at the universities; and a 7.5% fee increase at the community colleges.

Mr. Fair moved that the Board approve the Secretary's recommendations for the K-20 2003-2004 Budget Request, as presented. Dr. Eads seconded the motion.

Mr. García inquired about the relationship of the Constitutional Amendment on Class Size and the Amendment adopted four years ago requiring that the State provide an "adequate education" for all Floridians. He said it was important for this Board to establish priorities in funding all these requirements. Mr. Woodring responded that the two provisions, read together, were not in conflict.

Dr. Eads inquired about funding for the pre-kindergarten initiative. Secretary Horne said the implementation date was 2005, and while this Board had stated that responsibility for pre-kindergarten should be within the Department of Education, it was not there statutorily. In response to Ms. Johnson's inquiry about funding the Board's Strategic Imperative Projects, Secretary Horne said the budget provided funds to produce teachers and to improve reading. Mr. Handy asked that staff present information to the Board at the January meeting on how to realign the Strategic Imperative Projects with less or different sources of funding. In addition, the Board would discuss the distribution of funds to address class size, including the principles and definitions to be used.

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

8. Secretary's Recommendations on the 2003-2004 Fixed Capital Outlay Request

Secretary Horne presented the components of the 2003-2004 K-20 Fixed Capital Outlay Budget Request. In addition, he presented the amounts requested for projects and sectors within K-20 education. Mrs. Roberts moved that the Board approve the proposed recommendations on the 2003-2004 K-20 Fixed Capital Outlay Budget Request, as presented. Ms. Johnson seconded the motion.

Mr. Handy noted that funds for class size reductions were not included in this request. Secretary Horne responded that there were still several issues to be resolved. The projects included for K-12 were survey-recommended; projects for the universities were on their approved Master Plans.

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

9. Consideration of Recommendations: Higher Education Funding Advisory Council

Secretary Horne said the Higher Education Funding Advisory Council had begun meeting in February 2002. During its meetings, the Council had reviewed funding to higher education, access, tuition, financial aid and labor market demand. The Council had focused on the question, "what would it take to get to a world-class system?" He noted that students in Florida experienced some success in moving through the

education “pipeline,” but there was not that level of success in the production of baccalaureate degrees.

The Council had made a number of important recommendations. Florida needs to produce about 15,000 degrees annually over and above the increases already expected from existing institutions, with additional master’s and doctoral degrees to be at or near the national average within the next 10 years. The Council addressed the need for educating a skilled workforce. It addressed the importance of increasing Florida’s research and development capacity and visibility, and to make the need for strategic investments in targeted areas. The Council recommended that universities be authorized tuition and fee flexibility to move to the national average of public institutions. The Council recommended that the State honor existing commitments in the Florida Prepaid College Program and re-price and/or restructure future contracts to accommodate different tuition assumptions. The Council recommended an increase in need-based financial aid. In regard to the Bright Futures scholarships, the Council recommended that Academic Scholarships be indexed to the statewide average university tuition and required fees, and that the remaining two awards be indexed to the statewide average community college tuition and required fees. Further, the Council recommended that the K-20 Accountability System should allow for local funding decisions as well as performance improvement efforts. As for Performance-Based Funding, the Council recommended that in accordance with the School Code, K-20 education would meet the statutory requirements in phases and tie K-20 accountability to performance-based funding.

Dr. Proctor moved that the Board accept and adopt the recommendations, as presented by the Advisory Council. Mrs. Roberts seconded the motion.

Dr. Proctor said he favored maximum tuition flexibility and suggested that this issue should be delegated to the university trustees. He questioned whether there should be restrictions on tuition increases to the national average. He said this Board should address the degree of tuition flexibility it is willing to advocate for the local trustees. Further, a cap on financial aid takes away a certain degree of local flexibility. The percentage of aid awarded should be a local decision based upon the institution’s pricing strategy. He expressed his thanks for Mr. Tate’s views, but said it was unreasonable for the Prepaid and Bright Futures Programs to drive the future of the universities. At some point, this Board would have to make recommendations to address this issue.

Mr. García agreed and said the Board should go further with recommendations on financial aid. The universities need to be able to respond to the needs. Dr. Proctor suggested that at some point, he would like to argue to take the cap off tuition and fees and leave these decisions to the trustees who can best judge their own clientele. Mrs. Roberts agreed.

Mr. Handy noted that tuition and fees went together with financial aid. He endorsed both the Prepaid and Bright Futures Programs, but that they needed alterations in going forward to allow the universities to obtain additional revenue. Secretary Horne said the intent was to maintain the integrity of both programs, but to

make incremental adjustments. He said these recommendations would form the heart of the Board's legislative agenda. Mr. Handy said this Board was obligated to make its voice heard. There were no further comments, and members of the Board concurred.

10. Presentation: Governor's Blue Ribbon Task Force on Access and Accommodations for Students with Disabilities

Ms. Jan Rouse, Chair, Blue Ribbon Task Force, described the Task Force and its charge from the Governor's Executive Order. She described the FCAT test as the cornerstone for the State's accountability process, noting that there was no alternate assessment by which to obtain the standard high school diploma. She reported on the findings of the Task Force including expanding the FCAT to provide multiple assessment options; establishing a statewide panel to review expanded accommodations; alternate assessment options for standard diplomas; proposed rule revision to allow a broader interpretation of learning disabilities; and exemptions from the graduation test requirements and expanded appeals process. The Task Force had also recommended that student reports not be "flagged" to identify students with disabilities, who would then not be included in the reporting of school grades. The Task Force had also addressed improved access for these students to postsecondary education, and further collaboration between the community colleges and universities to benefit these students. In addition, additional technology opportunities should be developed to assist students in demonstrating mastery of the Sunshine State Standards. Finally, the Task Force recommended that these recommendations be put in place immediately to benefit the Class of 2003.

Dr. Proctor inquired about approving any "reasonable accommodation of an IEP unless these are scientifically proved to invalidate the test." He said this would cover a broad spectrum; he would recommend a list of state approved accommodations. He said that if the State moved to alternative assessments, there needed to be criteria guiding that decision. He inquired about regarding a learning disability as a physical disability, and the provision to translate the IDEA accommodation to postsecondary institutions. He said the IDEA was not the same as the ADA providing for reasonable accommodation at the postsecondary level; the IDEA may not be appropriate at the postsecondary level. He also inquired about the criteria used to document learning disabilities.

Ms. Johnson suggested that the focus should be on demonstrating successes. She inquired about the expectation of an alternate assessment. Ms. Rouse responded that an alternate should not be viewed as lesser than a pencil and paper FCAT, and that the student not be stigmatized by this alternate assessment. Mr. García said he understood that the NCLB legislation required the use of a test such as the FCAT, and also addressed the requirement for statewide assessments. Ms. Rouse noted that currently, students who participate in FCAT are reported, but the scores of students with disabilities are not used in determining the school grade, so there is a perception that these scores have no value. If these scores are included, there must be recognition of the impact on the performance of the school as a whole. She said she was concerned about the additional pressure on students with disabilities.

Mr. Handy said the Board would review the recommendations. He said there were already provisions for alternate assessments. He asked the Secretary to articulate clearly opportunities already in place.

11. Presentation: Making Reading the Top Priority

Ms. Christy Hovanetz, Just Read, Florida!, described the challenge for making reading a top priority in Florida: 45 percent of 4th graders do not read at grade level; 55 percent of 8th graders do not read at grade level; and 65 percent of 10th graders do not read at grade level. She told the Board of the financial commitments to reading and the programs already in place. She said the goal was that by 2012, all Florida students will read on grade level or higher.

Ms. Johnson, Co-chair of the Governor's Transition Team on Reading, said she was excited to be a part of this important initiative. She said everyone needed to be a part of this effort, parents, teachers, business leaders. She said the Team had already been successful in engaging businesses to help with public awareness of this initiative, and that Mr. Pete Rummel, St. Joe Company, was leading the partnership efforts.

Dr. Proctor noted that in revising the teacher education curriculum, four courses in reading, rather than one, were required for preparing elementary teachers. Mr. García said he was interested in learning about successful reading programs from the superintendents. Ms. Johnson said she would provide a full report on the activities of the Transition Team at a future Board meeting.

12. Discussion: Constitutional Amendments

Secretary Horne said the voters had approved the three Constitutional Amendments on education. The Amendment to Reduce Class Size presents a number of issues, including how to define the requirements for implementing the Amendment. Discussions of these requirements are underway with the stakeholders. Staff are collecting data from the districts on existing resources and capacity. He said he wanted to allow maximum flexibility to the districts as counties have vastly differing needs and may use different approaches, e.g., double sessions, year-round school. He said while districts addressed these class size requirements, they should not lose sight of student achievement nor of teacher quality.

Dr. Proctor inquired about the requirement for state funding. Mr. Woodring agreed that if the district did not need all the money for class size, funds could be used for the FEFP. He added that the State wanted to encourage creative or innovative approaches. He suggested that the Board continue this discussion at its January meeting. The districts might need direction in implementing this Amendment. Mr. García suggested that the Board also discuss problem issues as well as best practices from the districts. Mr. Handy suggested that there were many unresolved issues; he suggested that the solutions were wide open and that the districts should have maximum flexibility in addressing the class size requirement.

Secretary Horne advised the Board that the Governor was moving ahead to make the appointments to the new Board of Governors to minimize confusion or uncertainty for the universities. Mr. Woodring was reviewing the duties and responsibilities of the Florida Board and of the new Board. He said that the principles of K-20 seamlessness and articulation remained in place, as well as continuing the devolution of authority and local decision-making to the university trustees. Dr. Eads inquired of the relationship of the new Board to this Board. Secretary Horne said the Legislature was a partner and had an obligation to enact enabling legislation so the whole picture of this relationship would be clarified this Session.

Secretary Horne said the implementation date for Universal Pre-kindergarten was 2005. He said there were a number of issues still to be resolved. Previously, 4-year olds/pre-kindergarten fell under the responsibility of the Department of Education, but not now. There are different state and federal funding streams for readiness. He said this Board needed to consider the ramifications of including pre-kindergarten within the jurisdiction of the Department. Dr. Eads said that if pre-kindergarten becomes a part of the Department of Education, the Board needed also to consider issues such as teacher quality and how this becomes a part of the universal education process. Mrs. Roberts said it would be appropriate for readiness to follow the funding.

Mr. Handy said the Board should review these issues in January and consider any recommendations as a part of the Board's legislative package, including any necessary analysis of the funding issues.

13. Update: Strategic Planning Projects

Mr. Winn advised the members of the status of the strategic planning projects. He distributed a document used internally by the Project Directors to track progress. He advised the members that he would be meeting with the Directors to ensure that all were heading in the right direction. He assured the Board that staff would not negotiate away their priorities because of the budget constraints. Staff would look for federal funds and other fund sources to move forward with the priorities.

Mr. García said Floridians seemed unaware of this Board's Strategic Imperatives. He said the Board needed to do a better job educating legislators and citizens about the Imperatives. Mr. Handy said he had pressed for a marketing plan to communicate the Board's message, but it was not yet final. Dr. Proctor added that the relationship of the class-size requirements needed to be woven into the Board's Strategic Plan, particularly with the \$628 million cost. This was a major activity not included in the Board's strategic planning process and it should be included. He said it appeared to fit in with Strategic Imperative #1, Increasing the supply of highly qualified K-12 instructors.

Secretary Horne inquired whether the Board should incorporate the Amendments within the Board's Strategic Plan or revisit the Plan. He said he was committed to move forward with all the projects. Dr. Eads said this applied to universal pre-kindergarten, as well. She suggested that the Board wait for the staff reports in January and then decide how to add these issues to the Board's Strategic Plan. Mr. Handy recommended that

the staff proceed with the implementation of the Class Size Amendment in accordance with the Board's Guiding Principles. He said this issue could be added as a new Imperative or placed as a part of an existing Imperative. He asked that staff provide progress reports at each Board meeting.

14. Update: K-20 Accountability Project

Mr. Winn reviewed the K-20 Accountability Project. There are six consistent measurement themes for each delivery system; three are flexible, negotiable measurement themes. He described the six consistent measures, as follows: 1. Students achieving at high levels; 2. Accessibility; 3. Credentials granted; 4. Students ready for and progressing to next educational level; 5. Initial employment and earnings of graduates who are not pursuing the next educational level; 6. Quality and efficient services. The flexible measures are: 1. State and national recognition of schools or other educational institutions linked to academic standing; 2. New, innovative knowledge or instructional techniques – development, delivery or application; 3. The extent that program mixes deal with designated state priorities for programs, service, or economic development.

Mr. Winn said he planned to present the full package and recommendations on the K-20 accountability measures to the Board in January. Dr. Proctor noted that there were also statutory accountability measures.

15. Miscellaneous

Mr. Handy reviewed the issues which should be brought to the Board for its consideration at the January 2003 meeting, including the plans for the implementation of the Constitutional Amendments, recommendations on FCAT accommodations for students with disabilities; the proposed 2003 Legislative Session priorities; and the accountability measures. Mr. García inquired if anyone was facilitating the Board's marketing plan and that he would like to provide input on that plan to the Secretary. He said the next meeting would be held Tuesday, January 21, 2003, at the University of Miami. The Board would also meet by telephone conference call before the end of the year to ratify the president selected and recommended by the FSU Board of Trustees.

16. Adjournment

Having no further business, Chairman Handy adjourned the regular meeting of the Florida Board of Education at 2:25 p.m., December 10, 2002.

F. Philip Handy,
Chairman

Mary-Anne Bestebreurtje,
Corporate Secretary