

INDEX OF MINUTES
STATE BOARD OF EDUCATION
BY TELEPHONE CONFERENCE CALL
TALLAHASSEE, FLORIDA
MAY 20, 2003

<u>ITEM</u>	<u>PAGE</u>
1. Member Comments and Observations.....	1
2. Approval of Minutes of Meeting held April 15, 2003.	2
3. Commissioner's Report.....	2
4. Update: Legislative Session.....	4
5. Delegation of Contract Authority to the Commissioner of Education.....	4
6. Consent Agenda.....	5
7. Miscellaneous.....	7
8. Adjournment.....	8

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Chairman F. Philip Handy convened the meeting of the State Board of Education, by telephone conference call, Tallahassee, Florida, at 12:00 p.m., May 20, 2003, with the following members present: T. Willard Fair, Vice Chairman; Sally Bradshaw; Linda J. Eads; Charles P. García; Julia Johnson; and William L. Proctor.

1. Member Comments and Observations

Dr. Eads said she had been pleased to attend the graduation ceremony at the Florida School for the Deaf and Blind in St. Augustine. She remarked how well prepared the graduates were for college and for life. She suggested this might be an excellent site for a future Board meeting, for members to see a non-traditional school setting. She reiterated her concern that the Board should adopt written guidelines for process and procedure. She said it was hard to conduct the Board's business by telephone as there was limited opportunity for interaction with staff. She moved that the Board include such guidelines on its next agenda. Mr. Handy said a motion was not needed. Dr. Eads asked for a clarification of the Board's procedures at the next meeting.

Mr. García said he had been learning about reading and suggested that the Board invite reading experts to discuss their work. He said he planned to visit the Los Angeles Unified School District, with 750,000 students, where they had experienced success with scientifically-based reading instruction. The reading scores of the students had shown great improvement. Commissioner Horne advised him to ask tough questions about what they were measuring. Ms. Bradshaw suggested he inquire about class size, as well.

Mr. Handy said there had been a great deal of press in the state about budget cuts. He noted that Florida was the only state in the country where there were new funds being provided to education. Thus far, K-12 is scheduled to receive an increase of six percent over the current year; the FEFP is up by four percent. He added that the only "cuts" were to expectations.

Dr. Proctor said he hoped the Board would discuss and adopt a policy regarding the offering of baccalaureate degrees by community colleges at its June or August meeting. He said this was an important policy issue and these decisions should not be made on an ad hoc basis.

Mr. Handy said this Board joined the Governor and Commissioner Horne in celebrating the FCAT scores just released, and what Florida has accomplished with these tests. He said the conversation about accountability has been engaged. He

thanked Ms. Johnson for her public support for the tests. He said students in Florida were getting better results. It was critical to remain firm to the rising standards.

2. Approval of Minutes of Meeting held April 15, 2003

Dr. Eads said the Minutes should be amended on page 5 to reflect her request of Commissioner Horne that he review duplicative data requests made of the districts and report back his findings. Dr. Proctor moved that the Board approve the Minutes of the Meeting held April 15, 2003, as amended. Dr. Eads seconded the motion, and members concurred.

3. Commissioner's Report

Commissioner Horne said since the April Board meeting, he had spent much of his time with the Legislature. Earlier this month, the Governor had joined him for the roll-out of the third and twelfth grade FCAT scores; all the FCAT scores were released on May 15, 2003. He said he was pleased with the dramatic improvement in student scores. Setting high standards and creating a system of accountability, and seeing the resulting success, were truly worth celebrating. He said he would soon announce the finalists for the Burdines Teacher of the Year for Florida.

He said he had now completed the selection of his management team. He had named Mr. Jim Warford as the K-12 Chancellor. He had also named Mr. Ray Monteleone as Chief Financial Officer and Mr. John Franco as Inspector General.

He said as part of his report, he had asked Mr. Bob Seemer to update the Board on the status of the teacher certification project, as this is a symbol of the Department's view of itself. Mr. Seemer reported that the project was on schedule with all the recommendations presented to the Board at the last meeting. He complimented Ms. Bev Gregory, Bureau Chief, for her help and for the hard work of her staff. He said they had reduced the delinquent backlog of files older than 90 days, from 6765 files on February 3 to 1607 files on May 12. The goal is to eliminate the backlog by September 1, 2003. Further, the average age of an application has been reduced from 98 days to 87 days. He said the goal is to reduce the average age of a file to 70 days by October 1. The team would conduct another survey in June to gauge customer satisfaction.

The Commissioner said he was pleased with the immediate progress with this project. He said he hoped for longer-term help from the Legislature to eliminate the requirement for a notarized application. Dr. Proctor inquired if there were plans to eliminate the problem of incomplete applications coming from the districts. The Commissioner responded that updated procedures were clarified for the districts on the Department's website. Dr. Proctor further inquired if the Department was able to track incomplete applications; the Commissioner said the staff hoped to develop an approach to that problem.

Commissioner Horne said Ms. Christy Hovanetz would report on Just Read, Florida! Ms. Hovanetz reported that ten additional recipients of Reading First Grants had been announced, for a total of \$13.2 million. With the grants awarded in February,

Florida had received a total of \$37 million to assist 200,000 students in K-3 reading, in 329 schools. She said the second round had been very competitive. The next round of grants would be awarded in March 2004. She reported that some districts had not received any of these funds. Mr. Fair inquired if Miami-Dade County had been a grant recipient. Ms. Hovanetz said they had not received any funds.

Dr. Eads inquired where the districts were in hiring teachers to address the shortage. The Commissioner said he did not have the numbers, but in the coming months, the Department would host the Florida Teach-In and the Career Fair. He said some of the smaller districts would not have a problem; the larger districts would have more problems. He added that teachers were being hired from the Northeast and from neighboring Southern states.

Mr. García said he joined the Commissioner in the celebration of the improved FCAT scores and the Governor's focus on reading. He noted that the results also showed that some students were still far behind. There were still statistics showing that 50 percent cannot read at grade level. While the State was moving in the right direction, there was still much work to be done.

Mr. García noted that on May 9, 2003, Commissioner Horne had issued an interpretation of 2002 law regarding the FCAT score required for twelfth graders to graduate. He inquired whether this was an issue the Board should have resolved. Commissioner Horne explained that the Legislature had attempted to fix the confusion regarding the required score for graduation, when the cut-scores were raised. The issue was how the scores would be applied to different students in the same cohort class, e.g., students who had not been part of the class when the test had been administered. The interpretation was made on a fairness issue, so that all students within the same cohort would be treated alike. Under the change in the law, students who came into the State in the eleventh grade were being held to a higher standard than native students who had taken the test in the tenth grade.

Mr. García said he respected the integrity of the process, but that under Sections 1003.43 and 1008.22, F.S., he believed it to be the responsibility of the State Board to resolve these ambiguities. He moved that the Board ratify the decision of the Commissioner to clarify FCAT passing scores for graduating seniors and to confirm that this was the correct action. Mr. Fair seconded the motion.

Dr. Proctor sought clarification from the General Counsel about the Board's obligation to interpret areas of the statutes. Mr. Woodring responded that each state agency has the authority for the statutes governing its agency. The action of the Commissioner in this instance was not contrary to the law. The interpretation had been made in conjunction with the Governor and legislative staff; the Commissioner had sought the concurrence of the Legislature.

Mr. García said it was his understanding that the previous State Board of Education had made this determination. Now, this State Board should make these decisions. It would be his opinion that this authority had not been delegated. Ms. Bradshaw inquired whether the Commissioner needed this Board to ratify his action,

although he had initially determined that it was not needed. Ms. Johnson asked for Mr. Woodring's opinion. Mr. Woodring recommended that the Board not ratify this action. He said there were many instances when the Department provided guidance through interpretations of law to the districts. He said there was no lack of authority for the Commissioner to act. Mr. García requested that the authority of the Commissioner vis-à-vis the Board in such matters be clarified. Mr. Handy inquired of the maker of the motion if he were willing to table this motion, if the Board discussed this issue at the June meeting. Mr. García concurred, as did Mr. Fair. Dr. Eads asked that this discussion include the discussion of the Board's policies and procedures.

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

4. Update: Legislative Session

Mr. David Foy reported that seven bills had been filed for consideration during Special Session A, as follows: implementing the Class Size Amendment; implementing the Board of Governors; the Charter School accountability Bill; the FCAT-Native Language Bill; the School Code "Glitch" Bill; the Determination of the District Cost Differential; and Non-profit Scholarship Funding. Dr. Proctor inquired about the Articulation Coordinating Committee. Mr. Foy responded that it would continue to function; it would be the subject of a summer interim project. He said legislators had directed the Department to develop details for the implementation of the Class Size Amendment this summer; there was not much money provided this year.

Dr. Eads inquired whether funds were provided to support the community colleges that had been authorized by this Board to add baccalaureate programs. She asked if the staff were lobbying for these programs. Dr. Proctor noted that the \$1 million allocated to fund these programs was money taken from the other community colleges. Mr. Armstrong responded that the House had provided \$1 million for three programs, and the Senate had taken \$1 million from the total provided to the community colleges' operating funds and had allocated this money to Miami-Dade Community College.

There were no further comments.

5. Delegation of Contract Authority to the Commissioner of Education

Commissioner Horne said the issue of delegation of the Board's contract authority had arisen from discussions with Treasurer Gallagher about an agreement for the use of facilities for the Florida Alzheimer's Center and Research Institute on the campus of the University of South Florida. The Treasurer said the Board had not officially delegated contract authority to the Commissioner, which he felt should be done for the Commissioner to sign such an agreement. The agenda included a resolution giving the Commissioner broad contract authority to facilitate the Department's efficiency. Every contract in the normal course of agency business did not require Board review. In addition, Mr. Woodring had recommended the adoption of a separate resolution authorizing the Commissioner to execute the agreement for the Alzheimer's Center.

Mr. Fair moved that the Board adopt the resolution delegating authority to execute contracts to the Commissioner, with an amendment to that resolution limiting this delegation to contracts for amounts up to \$2.5 million; Dr. Proctor seconded the motion. Dr. Proctor inquired if the Commissioner were comfortable with that limit. The Commissioner said he was. Mr. Woodring had advised him that there were approximately 10-12 contracts annually over this amount.

Mr. García suggested that the Board should ratify all the contracts executed since January 7, 2003, as a safeguard. He said he was not comfortable with contracts executed over the past five months that this Board had not ratified. Mr. Woodring said the Department had executed a number of contracts since January as a part of its normal course of doing business. He said ratifying them would raise unnecessary questions about their validity.

There were no further comments. Members of the Board concurred in the motion, with Mr. García voting no.

Dr. Eads moved that the Board adopt the resolution authorizing the Commissioner to execute the agreement for the Alzheimer's Center at USF, as presented. Dr. Proctor seconded the motion. Mr. García asked why this resolution was necessary. Commissioner Horne said the Treasurer would not release the funds for the Center until the Board had delegated to the Commissioner the authority to sign the agreement. Members of the Board concurred unanimously.

6. 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. Approval, Budget Request Guidelines, 2004-2005

Dr. Proctor said he concurred with the budget priorities of reading and class size, but he thought that funding the Strategic Plan and the Board's eight Strategic Imperatives should follow immediately upon the two top priorities. He said he also understood the necessity for a financial hierarchy to provide for trade-offs between priorities. Dr. Eads inquired about the 10 percent performance-based funding requirement. Commissioner Horne said this was an ongoing project, but by December 1, the Department was to develop a funding formula by which at least 10 percent of state appropriations were to be based on performance. First, however, the Department would have to establish accountability standards and benchmarks. The School Code "glitch bill" corrects the timetable. The standards are to be in place by December 1, 2003, with the funding implemented in 2004-2005. Dr. Eads noted that graduation rates should be included as an accountability measure.

Mr. García agreed that the Board's Strategic Plan should lead the Board's priorities. Mr. Horne said the proposed guidelines would direct the budget submissions to the Department. These were the Department's priorities in shaping its budget proposal to the Governor and Legislature. Dr. Eads asked who continued to work on the Bright Futures Scholarships. Commissioner Horne said this was included in the work of the Strategic Imperative workgroups. She inquired whether the recommendations of the proposed Facilities Task Force would have an impact on the budget. Commissioner Horne concurred, but noted that the recommendations from that Task Force were not expected prior to September 1, 2003, the due date for the budget submission.

The Board approved the 2004-2005 budget request guidelines and authorized the Commissioner to make technical amendments and adjustments, based on the final 2003-2004 appropriations, as presented.

B. Delegation of Authority to the Chancellor to Approve Community College Operating Budgets, Division of Community Colleges

Mr. García inquired about the process for this delegation of authority. Mr. Armstrong responded that he would review the operating budgets from the community colleges to assure that they met all accounting and related budgetary procedures. The budgets that were not routine would be brought to this Board for review.

The Board delegated approval of the community college operating budgets and budget amendments to the Chancellor of the Division of Community Colleges, and also, the delegation of the review of community college direct support organizations audits to the Chancellor, as presented.

C. Consideration of Request from North Florida Community College to Designate Green Industries Institute as a Special Purpose Center

The Board approved the request from the Board of Trustees of North Florida Community College for designation of the Green Industries Institute as a Special Purpose Center, as presented.

D. Consideration of University Transition Plans from the State Accounting System (FLAIR) to Individual University Accounting Systems, FGCU, FAU, NCF, UCF, USF

The Board approved the FLAIR transition plans, as submitted, for Florida Gulf Coast University, Florida Atlantic University, New College of Florida, University of Central Florida, and the University of South Florida. Further, the Board authorized the submission to the Executive Office of the Governor and the chairs of the House and Senate Appropriations Committees confirmation of this verification with an effective date of July

1, 2003, and approved the changes to the DOE management information databases necessary due to this transition, as presented.

E. Approval of Proposed Amended Rule 6A-14.057, Student Activities

The Board approved proposed amended Rule 6A-14.057, Student Activities, as presented.

F. Approval of Proposed Amended Rule 6A-3.0141, Employment of School Bus Drivers

The Board approved proposed amended Rule 6A-3.0141, Employment of School Bus Drivers, as presented.

G. Approval of Proposed Repeal of Rules 6A-4.028, 6A-4.0323, and 6A-4.0332, Educator Certification Rules

Dr. Proctor said he understood the sense of these rule repeals and the need to have separate science discipline certifications for high school teachers. He inquired, however, whether there was a general science certification for middle-grade teachers. Ms. Gregory said there was general science certification for middle-grade teachers. Dr. Eads agreed. She said this was an area where the districts might be able to recruit career-changers with subject area expertise.

The Board approved the proposed repeal of Rules 6A-4.028, 6A-4.0323, and 6A-4.0332, as presented.

H. Adoption of Resolutions Authorizing the Issuance and Sale of Not Exceeding \$240,000,000 State of Florida, Full Faith and Credit, State Board of Education, Public Education Capital Outlay Refunding Bonds, 2003 Series (to be determined)

The Board authorized the issuance and sale of the subject PECO refunding bonds by the Division of Bond Finance of the State Board of Administration, as presented.

7. Miscellaneous

Mr. Handy said the next Board meeting would be held on June 17, 2003, in Orlando. He said the Commissioner would announce school grades for 2002-2003 on June 12, 2003. Mr. García asked that the staff brief the Board on the success of One Florida in university admissions, and the numbers of women and minorities enrolling in Florida's colleges and universities.

8. Adjournment

Having no further business, Chairman Handy adjourned the telephone conference call meeting of the State Board of Education at 1:25 p.m., May 20, 2003.

F. Philip Handy,
Chairman

Mary-Anne Bestebreurtje,
Corporate Secretary