

MINUTES  
FLORIDA BOARD OF EDUCATION  
FLORIDA STATE UNIVERSITY RESEARCH SCHOOL  
TALLAHASSEE, FLORIDA  
DECEMBER 14, 2001

Chairman F. Philip Handy convened the meeting of the Florida Board of Education in the Florida State University Research School, Tallahassee, Florida, at 8:15 a.m., December 14, 2001, with the following members present: Linda J. Eads, Charles P. García, Julia L. Johnson, William Proctor, and Carolyn K. Roberts.

Staff present were: Jim Horne, Secretary; John Winn, Assistant Secretary; Bob Ward, Deputy Assistant Secretary; Lauren Cain, Director, Communications; Georgia McKeown, Chief of Staff; Larry Wood, Director, Budgets; Sara Struhs; Mary-Anne Bestebreurtje; Laura Butler; and Shaunna Speer.

1. Greetings and Opening Remarks

Following the Pledge of Allegiance, Mr. Glenn Thomas, Director, Florida State University Research School, and Mr. Robert Broome, Chairman, Board of Directors, welcomed the members of the Florida Board of Education.

2. Recognition, Members, School Code Workgroup

Chairman Handy recognized and commended all the members of the School Code Workgroup. He said the Workgroup was required to review only two chapters of the School Code, but had proceeded with a thorough review of all 19 chapters. The group had worked in a collaborative and meaningful way, as a model of how the new seamless education system could work. The Board members gave them a warm round of applause.

3. Member Questions/Observations

Dr. Eads reported on visits to several schools. She said she had participated in PACES, a student-focused teacher evaluation program. Mr. García reported on his visit to the Henderson School in Boca Raton.

4. Chairman's Report

Mr. Handy reported that he would be giving the Commencement Address this weekend at Flagler College, at which time he would receive an Honorary Doctorate. He commented that the Board's workshop the previous day on the Department reorganization, the Strategic Plan, and the proposals on the School Code rewrite had been an excellent example of this Board acting as the statewide K-20 education board. He said the State Board of Education, in his memory, had never spent an entire day discussing education policy.

5. Approval of Minutes of Meeting held November 19-20, 2001

Mr. García asked that the Minutes of the November meeting include a further description of his remarks prior to his motion on the budget. A copy of these Minutes, with corrections, was distributed to members of the Board. Mrs. Roberts moved that the Board approve the Minutes of the meeting held November 19-20, 2001, as corrected. Dr. Eads seconded the motion, and members of the Board concurred.

6. Secretary's Report

Secretary Horne reported that since the November meeting, the Legislature had convened in a second Special Session and had adopted a revised Appropriations Bill. He said he had spent considerable time with the School Code Workgroup, and with the consultants working on the Department reorganization and the Strategic Plan. The Board had met to adopt the position descriptions for the Chancellor and Executive Director positions. He had been invited to meet with Secretary Paige and four other state education leaders in Washington to discuss student assessment data and research. He reported that he would give the Commencement Address at his alma mater, Florida State University.

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

7. Consideration of School Code Recommendations

Mr. Winn said the Board had engaged in an extensive discussion of the recommendations from the School Code Workgroup during the workshop the previous day. Mr. Winn said the Board had suggested additional language on the issue of public school choice, to give the Secretary the authority to explore incentives to encourage choice during the next Session. Ms. Johnson said the added explanation reflected the Board's discussion. She suggested that the staff provide information at the next Board meeting about additional federal funding opportunities. She said this Board should devolve as much authority as possible to the local level, but that she understood why this not be a mandate to the local districts. Dr. Proctor inquired about the number of students in choice programs. Mr. Handy commented that this was a good topic for further Board discussion.

Mr. Winn said the Board had discussed the powers and duties of the university boards of trustees at the November meeting, and were in favor of the concept of these boards having the authority to charge tuition and fees within limits set by the General Appropriations Act, and to charge other fees to be capped within a prescribed limit. He said the Board had proposed that the Secretary develop a process and timeline to review a number of issues interrelated with tuition, including scholarships and financial aid. Student and local fees would be part of this review.

Dr. Proctor said this discussion related to the basic question of how the State proposed to fund postsecondary education and how that related to the Board's priorities. He said he was not comfortable recommending small adjustments in one

program that would impact the others. He suggested that staff propose recommendations at the January Board meeting as to financial issues which must be done immediately, and identify those on which the Board could be more deliberative. He recommended that the Board delay action on isolated issues until the Board had determined its priorities. Secretary Horne agreed that the Board should resist wholesale program changes until staff could conduct a comprehensive study involving all the stakeholders. At this point, he was recommending no specific tuition increase, and recommending retaining the fee flexibility the community colleges currently enjoyed. As to these fee provisions, the Board agreed to add a statement that it supported the flexibility within the 40 percent cap, for both university and community college boards, and that the other fees be limited within a 20 percent range, without specific dollar amounts specified in statute.

On the small school requirement, the Board recommended that CEPRI conduct a study by a date certain. Mr. García asked staff to find examples where states had been successful in reducing school size.

Mr. Handy noted that the Board had reviewed the 19 issues on which the Workgroup had failed to reach consensus, but that there were over 160 statutory provisions recommended for amendment on which the Group had concurred. He thanked all the members of the Workgroup and other staff who had assisted with this monumental project.

Dr. Eads moved that the Board approve the School Code Revision recommendations, as amended, for presentation to the Legislature, as required by Section 229.0072, Florida Statutes. Mr. García seconded the motion, and members of the Board concurred unanimously.

#### 8. Discussion of Department of Education Reorganization

Mr. Handy said Secretary Horne had presented his recommendations for the reorganization of the Department of Education to the Board during the workshop the previous day. Secretary Horne presented a summary of his recommendations for a new Department of Education that would become customer-driven and response-oriented. He proposed divisions in the Department that would be responsible for public schools, for community colleges, for universities and for independent schools. He said he would create an important office, Accountability, Research and Measurement, which would be the enforcement arm of the leadership team. In addition, he would create a Chief Technology Officer, a Chief Financial Officer and a Chief Administrative Officer. He said that some areas in the Department currently duplicated would be merged within the next six months, without waiting for the January 2003 implementation date.

Dr. Eads said the proposed organization needed to include an office responsible for professional development. Mr. García added that the Department needed a unit to address best practices.

Mr. Horne emphasized that communication, both internal and external, was critical. He said he was meeting regularly with department heads and staff to keep all

apprised as the reorganization proceeded. He added that he had a sense from the Legislature of its willingness to help achieve these goals, noting that some of the proposed changes would require legislative action.

Dr. Proctor inquired where teacher certification would be located. He said if the Department continued to be responsible for program approval it should retain responsibility for teacher certification. Mr. García recommended that the Secretary consider appointing another workgroup to look at articulation issues across the sectors. Mr. Horne responded that he wanted to see the direction provided by the Strategic Plan before recommending what was needed on articulation. The Strategic Plan would drive other issues.

Mr. Handy thanked the Secretary for his excellent presentation. He asked the Secretary to provide Board members with regular progress reports on the status of the several projects underway in his office, i.e., the Strategic Plan, reorganization, and the School Code revision.

#### 9. Status Report, Legislative Issues

Mr. Handy introduced Mr. Bob Ward, Assistant Deputy Secretary, who would be responsible for directing the Board's legislative agenda. Mr. Ward said he was pleased that the Department's legislative staff, for all K-20, was already housed in the Secretary's Office. He said the Legislature would convene on January 22, 2002, for its regular 60-day Session. He said the Legislature's main focus would be on re-districting, but Members would introduce additional priorities. The House and Senate would handle the School Code Rewrite differently. The Senate would be handling this on a piecemeal basis; the House was expected to address the entire School Code as one bill.

Dr. Proctor inquired about the legislative priorities for the Department. Mr. Ward said the priority for the universities was the devolution of authority to the university trustees. Mr. Handy said the prime issue was moving the universities to non-state agency status, similar to the status of the other delivery systems. Mr. Ward said the priorities for the community colleges involved the funding model, matching grants, workforce fees and financial aid. He said it was important this Session to focus on the building blocks for the future, the reorganization of the Department, the K-20 budget and non-state agency status for the universities. It was also important for the Board members, collectively, to build working relationships with members of the Legislature. He would be working to assist the delivery systems achieve their legislative goals. He said there had been ongoing discussions of the School Code over the past six years, but this had been the most complete and substantive review of the whole Code.

Mr. Handy urged the universities to focus on the completion of the recommendations of the Reorganization Transition Task Force and non-state agency status for the universities. Absent that, all other issues were compromised.

10. Report on Devolution of SUS Chancellor's Memoranda

Dr. Blackwell reported that there were approximately 130 Chancellor's Memoranda in place. The Secretary could decide to amend or rescind any one of them. As to many of them, the policies could be implemented at the local level. He said, however, there was still a System in place, and there was still a need for a statewide perspective on certain policies. He emphasized that these were procedures, not rules. After review, he recommended that 75 be rescinded immediately, that 17 were recommended for retention with the expectation they could be rescinded following further action by the 2002 Legislature, and that 41 be retained for statewide guidance. Of those to be rescinded, they addressed issues, such as asbestos management or building code issues, which should be addressed locally.

Secretary Horne concurred with Dr. Blackwell's recommendation, noting that there was still a system in place, not a loose confederation of institutions working independently. He agreed that there were several policies for which there was a compelling statewide interest.

Mr. Handy said no Board action was required. This was brought to the Board for information.

11. Delivery System Action Items

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

- A. Limited Access Status for UNF's Bachelor of Fine Arts, Graphic Design and Multimedia Tracks

The Board approved the request for Limited Access status for the graphic design and multimedia tracks within the BFA in Fine Arts (50.0702) at the University of North Florida, as presented.

- B. Approval of Academic Improvement Trust Fund Use

The Board approved the request from Lake-Sumter Community College to use funds from the Academic Improvement Trust Fund, as presented.

- C. Approval of Budget Amendment Requests

The Board approved the requests from Broward Community College and Valencia Community College to transfer funds from the Current Unrestricted Fund, as presented.

- D. Request to Release Property, FSU

The Board approved the partial release of lease for a parcel of land containing approximately 1,861.5 square feet at the Mission Road Facility

of Florida State University located in Leon 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.

E. Request to Release and Surplus Property, UF

The Board approved the release of lease and surplus of a parcel of land containing approximately 69 acres at the Mid-Florida Research and Education Center of the Institute of Food and Agricultural Sciences, University of Florida, located in Sanford, Seminole 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.

F. Request to Purchase Property, UF

The Board approved the purchase of approximately 70 acres of land located in Polk 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.

G. Request to Sublease Property, UF

The Board approved the sublease of a parcel of land containing approximately 83 acres at the North Florida Research and Education Center of the Institute of Food and Agricultural Sciences, University of Florida, located in Monticello, Jefferson 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.

12. Consideration of State University System Annual Accountability Report

Mr. Winn explained that Section 240.214(1), Florida Statutes, required an annual accountability report from the State University System. He explained that the performance measures were included in the Appropriations Acts and Implementing Bills for Fiscal Years 2000-01 and 2001-02. In the context of the Florida Education Governance Reorganization Implementation Act, it would be critical to look at these measures within the context of the whole K-20 system and the development of proposals for performance-based funding. He said such links were already in place for the K-12 sector and for the community colleges. In developing an accountability process, it would be important to look at all levels within the system and determine whether a student, at any level, was prepared for the next level of education and for the world of work.

Mr. Handy said it was critical for this Board to adopt accountability standards for all of education. He suggested that there be a workgroup, similar to the group that had just completed work on the School Code, to include all interested parties. The Board needed to adopt the University System Report and submit it to the Legislature, as required, but then give a new look to accountability measures for all K-20. Mr. García suggested that the Board reach out broadly for assistance in developing these measures. He said the Board should seek out high quality individuals to assist this workgroup. Mr. Winn added that with the number of issues within such an overarching accountability system, a series of workgroups might be required. Dr. Proctor added that these several workgroups not be divided by sector; Dr. Eads agreed.

Mr. Handy inquired about the type of work product and when it should be delivered. Mr. Winn said some of this depended on the legislative framework. The task might be to present a legislative proposal that would include goals and performance measures, and design a public reporting system. If the legislation set goals, the State would need to have a way to support these goals with consequences, rewards and disincentives. Once designed, the accountability system should be aligned with the data collection process.

Dr. Proctor said time was critical. The devolution of responsibilities without an accountability process in place was a treacherous road. He asked that staff recommend a process at the Board's January 2002 meeting. There should be further discussion as to what should be in statute and what should be in the Board's accountability system. Mr. Winn said the Board would need some legislative framework, a revision of some of the current statutory performance measures might be a start. Last, Dr. Proctor said that a review of these measures showed them to be production measures; he was concerned that these did not address the concept of quality. The Board should identify the critical quantitative measures and then address qualitative measures.

Dr. Eads moved that the Board accept the University System Report, for submission to the Legislature, as presented. Mrs. Roberts seconded the motion. Dr. Proctor clarified that the Board was reporting on the measures, as required, but was not necessarily endorsing the measures. Members of the Board concurred.

### 13. Discussion of Tuition, Fees, Financial Aid Workgroup

Mr. Handy suggested the Board establish a workgroup to address the critical issues for the funding of higher education, to include tuition, fees, and financial aid. He said the objective should be to have recommendations available mid-2002 for legislative review in 2003. He suggested that staff seek out experts both within and without the system, and to explore different points of view with regard to appropriate funding models, including the student perspective. He said that groups of university and community college presidents were already at work, but this Board needed to take the leadership role. Secretary Horne said he would suggest members for this workgroup and bring recommendations to the Board for its review.

14. Concluding Remarks

Chairman Handy said the Board needed to meet by telephone conference call before the end of the year to ratify the appointment of the Interim President of Florida A & M University, as recommended by its Board of Trustees. He said staff would notify the Board members of the date once it could be properly noticed.

Mr. Handy said the Board had earlier discussed meeting dates for the first six months of 2002. He suggested that the Board consider holding two of these meetings, on March 19, 2002, and on May 14, 2002, at 10:00 a.m., by telephone conference call, to save on travel.

Mr. García suggested that the Chairman schedule quarterly meetings with the Chairs of the Trustee Boards. Mr. Handy said he and the Secretary were already meeting with the presidents regularly. He said they were also planning to meet regularly with the School Board Chairs.

Secretary Horne said it was important to reconfirm that there was a system of education in Florida, not a loose confederation. He proposed to the Board that he begin the process of rulemaking to develop a rule incorporating guidelines for presidential compensation. Mr. García cautioned that he preferred that certain of these duties remain in the hands of the Trustees so as not to stifle innovation. Mrs. Roberts said any rule of this Board should be very broad but that she supported the proposal to begin rulemaking.

Mr. Horne said he would seek broad input and that this would not be an attempt to impose this Board's will. He said this was meant as a signal that this was a system of education and to emphasize the need to work collaboratively.

Ms. Johnson moved that the Board authorize the Secretary to begin the process of rulemaking on the subject of presidential compensation, and to set any guidelines for such compensation within a broad range. Mrs. Roberts seconded the motion, and members of the Board concurred.

15. Adjournment

Having no further business, Chairman Handy adjourned the regular meeting of the Florida Board of Education at 11:40 a.m., December 14, 2001.

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F. Philip Handy,  
Chairman

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Mary-Anne Bestebreurtje,  
Corporate Secretary