

MINUTES
FLORIDA BOARD OF EDUCATION
WEBBER CENTER
CENTRAL FLORIDA COMMUNITY COLLEGE
OCALA, FLORIDA
NOVEMBER 19-20, 2001

Chairman F. Philip Handy convened the meeting of the Florida Board of Education in the Webber Center, Central Florida Community College, Ocala, Florida, at 10:00 a.m., November 19, 2001, with the following members present: Linda J. Eads, T. Willard Fair, Charles P. García, Julia L. Johnson, William Proctor, and Carolyn K. Roberts.

Staff present were: Jim Horne, Secretary; John Winn, 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

President Charles Dassance, President, Central Florida Community College, and Mr. Bernard Little, Jr., Chairman, Board of Trustees, welcomed the members of the Florida Board of Education. Mr. Handy asked for a moment of silence, followed by the pledge of allegiance.

2. Minutes

Ms. Johnson moved that the Board approve the Minutes of the meeting held September 20-21, 2001. Mrs. Roberts seconded the motion. As a point of clarification, Ms. Johnson asked that the September Minutes reflect several follow-up reports she had requested from Mrs. Cynthia Burt. Secretary Horne advised that staff were keeping track of those requests, but that the Minutes would be corrected. The Minutes were approved, as corrected.

3. Member Questions/Observations

Dr. Eads reported on visits to several schools. Mr. García suggested that Board members use the Board's website to share important information.

4. Recognition, Mrs. Helen Ingrao

Mrs. Roberts said she was pleased to welcome the Board to Ocala. She introduced Mr. Jim Warford, Superintendent, Marion County Public Schools, and Mrs. Helen Ingrao, Principal, Eighth Street Elementary. Mrs. Ingrao was recognized for her dedication to elementary children at the Eighth Street School.

5. Chairman's Report

Mr. Handy described his activities over the past weeks, including his speeches describing the Board's role in leading the policy discussions for education in Florida. He said he had met with the Council for Education Policy Research and Improvement (CEPRI), and had asked the Secretary to keep the FBOE members advised of their projects. He said he had also met with the Chairmen of the University Boards of Trustees who had urged the completion of the devolution of authority to their Boards this Session. He advised the members of two ballot initiatives.

6. Secretary's Report

Secretary Horne reported on numerous activities that had occurred since the September Board meeting, including the Special Session in October and the one to begin November 27, 2001. There seemed to be a consensus approach to the budget-cuts. "Operation Paycheck" had been launched; he had participated in a "Florida-Georgia Summit" hosted by Governors Bush and Miller. He met in Ft. Myers with the Alliance for Education Leaders, and participated in a webcast with representatives from all sectors. In addition, Secretary Horne advised the Board of a hazing incident reported at FAMU. He said the Board might want to adopt a K-20 hazing policy.

Mr. Fair moved that the Board adopt the Secretary's Report. Mrs. Roberts seconded the motion, and members of the Board concurred.

7. Discussion of Department of Education Reorganization

Mr. Handy said the reorganization of the Department of Education was one of the three major first tasks facing the Board. He introduced the members of the consultant team from Accenture, Mr. Barry Webster, Mr. Kib McKibbens, and Dr. Jim Guthrie. The purpose of this reorganization is to create a Department that effectively delivers services to the public in accordance with the legislation passed last Session. Mr. McKibbens described the process, including understanding the current structure, and identifying and defining the key stakeholders. He said the reorganization could precede the Strategic Plan. He noted that certain issues would remain within one delivery system and others would cross systems. Mrs. Roberts said that accountability was without value if there were no enforcement mechanisms.

In response to a question about the weaknesses in the current structure, Mr. McKibbens said there was current uncertainty about the Department's structure and there was some sense that the Department was not delivering services well. Mr. Handy commented that the Department of Education was perceived as inflexible. The Department's "customers" were the delivery systems, the Legislature, the Executive Branch and the Florida Board of Education.

Dr. Eads said she was keen on K-20 becoming more entrepreneurial. Mr. Fair suggested that the team consider additional operating assumptions to create the

appropriate design. He said it was important to be cognizant of the “education culture,” distinct from a for-profit culture. Mr. García said his concern was the bloated bureaucracy. Mr. McKibbens said the team expected to present the report to the Board prior to the Legislative Session, with a plan for implementation.

8. School Code Revision Update; Approval of Recommendations on Trustees Powers and Duties

Mr. Winn reported that the Workgroup had completed its review of the 19 chapters of the School Code. Approximately two-thirds of the statutory provisions were recommended for amendment or elimination. The materials in the agenda included information to help this Board define its relationship to the institutional boards and local flexibility. The Board had before it the issues of devolution, tuition and fees, and sector funding formulas.

Mr. Armstrong said the community colleges currently had the most local authority. Dr. Theresa Klebacha reviewed the community college issues the Workgroup had recommended for Board consideration and action. Members reviewed issues of performance-based funding. They sought clarification of the duties of non-sworn and sworn law-enforcement officers on community college campuses. Mr. García said he wanted to assure diversity among the community college presidents.

Dr. Blackwell explained the university issues still to be resolved, including local agency status, responsibility for personnel and for setting tuition and fees. Ms. Janet Owen reviewed the specific issues for Board consideration and action. In response to a question about access, Ms. Owen said the FBOE would be responsible for enforcing university plans. Dr. Proctor said it was difficult to see the whole picture without an accountability program. He added that it was important for this Board to understand the resource commitment made for doctoral degrees.

Mr. Handy said this represented a considerable work effort. He said the Workgroup would present the total package of School Code recommendations to the Board prior to the Board’s workshop on December 13, 2001, and final action at the meeting on December 14, 2001. Ms. Mizereck noted that while the Board had now seen the work on postsecondary recommendations, similar work had been done affecting the K-12 sector.

9. Discussion of the Florida Board of Education Strategic Plan

Mr. Handy welcomed Mr. Barry Webster and Mr. John Dolan to continue the discussion of the Board’s strategic planning. Mr. Dolan said it was critical that the Board know the environment, set goals, and focus on vision and mission. He said he expected to present the finished work product by the end of May 2002. The legislative context for this project could be found in the enabling legislation, SB 1162. The Board could move from legislative goals to strategic imperatives.

Dr. Proctor expressed an oft-heard complaint that cost increases in education were greater than inflation. He commented that K-12 was funded for its enrollment, regardless of the projections, but that both community colleges and universities had to absorb enrollment that was larger than projected. Mrs. Roberts said that if Florida were to become truly a state with a K-20 education system, then the State should fund all students qualified to enter college. Mr. Fair noted that it was this Board that would be bringing the new K-20 rules to the Legislature; this Board would have to address the need to educate all students in Florida.

Mr. Dolan said the next step would be to articulate the Board's strategic imperatives, perhaps 12 to 15, from which the Board could choose its priorities. Mr. García said he was familiar with strategic planning that did a current assessment and diagnostic, and then looked at strategic development. He said under the proposal, this Board would be starting strategy development before the diagnostic phase. Mr. Handy said the Board should explore common definitions at a fairly high level. Mr. Fair commented that the Board should adopt a framework that would provide a legitimate way for this Board to conduct its business and give a level of comfort for strategic development. He offered a motion that the Board adopts the proposed framework in developing its Strategic Plan. Dr. Eads seconded the motion, and members of the Board concurred.

Mr. Fair said the next step was to establish the process to choose the strategic imperatives, not to choose the specific imperatives. Mr. García said the Board should also identify the appropriate stakeholder groups to meet with the consultants. He added that the strategic plans for the sectors should be similar to the Board's Strategic Plan.

10. Discussion of Chancellor Position Descriptions

Mr. Handy said the Board members had received the position descriptions for the three Chancellors and the Executive Director of the new Department of Education. Ms. Johnson said it would be helpful for her to understand how the Secretary viewed these personnel. Secretary Horne said these individuals should be leaders; they had responsibilities to head specific divisions within the Department. He said they also had coordinating roles. He said he expected the Chancellors to serve as his top executive team. Ms. Johnson inquired about the requirement of a Bachelor's degree for all the positions. Mrs. Roberts said if these were the top positions, there should be a requirement that they be at the top of their chosen profession.

Mr. Fair said these individuals were key to the success of this Board. He said all four positions should not have the same duties and they should be more than coordinators. He said the Board also needed to understand the qualities the Secretary sought in these positions. He commented that the issue of credentials was important to the "culture of the profession." He asked that the descriptions be revised prior to the Board voting to approve them. Mr. García agreed. He said the community college and university leaders should have appropriate degrees, but the Board could be more flexible as to the K-12 Chancellor.

Dr. Proctor noted that the position descriptions were more detailed than necessary. He said the Board should be interested in a candidate's proven track record, as well as the academic credentials. Mrs. Roberts cautioned against too much specificity in these descriptions. Dr. Eads urged that these individuals needed to be proven leaders with far more than an "understanding" of the position's requirements. She suggested that the criteria include a minimum degree requirement and a preferred requirement. She added that the Board should visit the top candidates in their home environments. Members of the Board concurred that the positions should require a minimum of a Master's degree, with the doctorate as the preferred degree.

Mr. Handy said the search firms could begin the process for three of the positions once the Board had agreed on the position descriptions, but that with the transition from the current Commissioner, the selection of the K-12 head should not proceed so quickly. Mr. García said he was concerned that all four of these individuals would not be key players from the outset.

Mr. Handy said the search firms could begin to screen the candidates; the Board would hire these individuals. Mr. García said he was reluctant to delegate this selection, as he did not know the process to be followed by the search firms. Mrs. Roberts noted that these firms could help protect candidates from the requirements of the State's Sunshine Law.

Mr. Handy asked the Secretary to rewrite the position descriptions, containing their proposed relationships to the Secretary, and an outline of the process to be followed in the searches, including the Board's role. Mr. García added one final criterion, that these individuals exhibit outstanding fiscal skills. Mr. Handy said he would convene the Board by telephone conference call as soon as possible prior to the regularly scheduled Board meeting to adopt the position descriptions.

11. Discussion of Tuition, Fees and Financial Aid

Mr. Handy said that the universities were keen to have additional authority, including the flexibility to set tuition and fees. He said the Board should deal with all these issues, tuition, fees and financial aid, in a holistic approach. An important issue was the degree to which this Board would give the universities authority to raise or lower tuition. If the universities raise tuition, there is clearly an impact on families in need of financial aid. Raising tuition also impacts Bright Futures Scholarships, and has an appropriations impact. In addition, there are approximately 663,000 Pre-Paid Tuition contracts, with commitments out to the year 2021.

The law authorizes a differential increase of up to 10 percent, but this increase must be specifically appropriated. For the 2000-01 year, the tuition increase was 6.5 percent; for 2001-02, the increase was 7.5 percent. Four fees are set locally, the Activity and Service fee, the Health fee, the Athletic fee, and the Transportation Access fee. As to tuition, is the question where Florida should be compared to other states, or is the question about what the universities seek to enhance through additional tuition.

The State provides little state-based financial aid. Ms. Johnson asked that staff explain to Board members, in writing, how the Pre-Paid Tuition contracts affect the overall tuition policy in the State.

Mr. Winn noted that the community colleges have the authority to set tuition within a prescribed range. He said the question for the Board is whether to grant the institutional trustees additional tuition flexibility. He commented that with the responsibility to increase tuition should come the obligation to provide additional need-based aid. There should be some institutional responsibility to minimize the impact of any tuition increases.

Dr. Proctor said the discussion was not solely about tuition policy. The Bright Futures Scholarships and the Florida Pre-Paid Program also drove these decisions. Any solution would require discussions with the Pre-Paid Board; contract commitments must be honored. Dr. Proctor said the discussion should be broader than one about tuition; it should be a discussion about how the State should fund postsecondary education, and the level of quality the State is willing to fund. Mr. Handy reiterated that all these pieces were part of the total tuition policy discussion and that raising tuition was only one part.

Mr. Handy inquired how the Board should proceed. He noted that tuition was a small part of the funding for all of higher education. Solutions would include many stakeholders, and could be addressed in the Board's Strategic Plan. Mr. Fair said it was critical that any program should be devised to help keep students in place.

12. Discussion of the 2002-2003 Legislative Budget Request

Secretary Horne advised the Board members that during the first Special Session, education had been cut by more than \$200 million. The cuts were made based on the principles recommended by this Board. For the next budget year, only \$233 million in new dollars for all of State government is expected, of which \$125 million could be anticipated for all of education.

Secretary Horne advised that since the adjournment of the first Special Session, there had been a great deal of preparation for the Special Session beginning on November 27, 2001, to consider the best approach to further budget reductions. He said it was important for this Board to stop looking at the separate delivery systems. He noted that the enrollment projections for K-12 enrollment had been in error for the current year, and that policy-makers needed a better sense of these enrollments.

Mr. García said that he was aware of disparities in funding to the various sectors that this Board should address as the voice for K-20 education. He said that the proposed cut of \$37 million from the community colleges would cripple that delivery system, and represented such a small amount from a total budget of \$11.5 billion. He said the community colleges were assuming an important role in educating minorities in Florida and should be supported in that task. This Board should voice its support. He

said that the universities had other means to lessen the impact of proposed cuts. He recommended that the Board allow the Secretary to at least be an advocate for the Board to try to keep the original allocation to community colleges intact, as the numbers were small enough vis-à-vis the total community college system budget as to have an impact. He noted that when the Board voted to adopt its budget in August, it was a preliminary budget, and Board members had been given the sense that they would have the opportunity to revisit those recommendations based on further information.

Mr. García moved that the Board allow the Secretary to advocate on behalf of the Florida Board of Education to keep the original appropriation for community colleges intact and not cut the \$37 million, out of the \$11.5 billion budget, for public community colleges. Mr. Fair seconded the motion.

Dr. Proctor asked the Secretary to speak to the motion. Mr. Horne said he had been supportive of the community colleges and workforce education. He said it would be proper to take a backward look to see who had enjoyed past financial success and a forward look to see performance at the highest possible level. In making cuts, the Board should consider the programs performing at the highest level. He said he did not believe any sector could be totally exempted from the cuts, but that, proportionally, there should be an emphasis on the community colleges, particularly since they would be called upon to provide new training programs. He said it would be proper to send a signal that programs performing at a high level, in every sector, should be recognized, although he did not think any one sector could be spared from any cuts.

Dr. Proctor clarified the motion with Mr. García, that he did not seek a Board mandate, but rather that the Secretary make his best effort to convey this sense from the Board. Mr. García concurred. Mrs. Roberts said she was uncomfortable with a motion from this Board to protect any one sector if this Board is to be an effective voice for K-20 education. Ms. Johnson called the question. The motion passed, Mrs. Roberts did not vote.

13. Discussion of Strategic Imperatives

Mr. Handy said Mr. Dolan, a member of the Accenture team, had been asked to lead the Board in a discussion of strategic imperatives. Mr. Dolan said strategic imperatives should correspond to the legislative goals, they should represent Board priorities, and they should be able to be accomplished in a two to five year timeframe.

Mr. Handy asked how the team would identify the appropriate strategic imperatives for the Board. Mr. Dolan said the Board's initial Strategic Plan should give attention to issues with particular urgency and importance. The Strategic Plan was to be completed by May 2002. Mr. Handy noted that once the Plan was in place, the Board would then be able to align resources to meet needs.

14. Approval of Board Policies

A. Draft Criteria for Presidential Evaluations

Secretary Horne said the agenda included broad criteria for presidential evaluations. These were not overly prescriptive, but were defined such that this Board could hold the institutional trustees accountable. Dr. Eads inquired where student diversity in enrollment was covered. The Secretary said this could be added.

Mr. Fair commented that in the new system, the trustees would employ the president and they should establish how they evaluate performance. If an issue had system implications, this Board might want to include it in its requirements. On the bigger issues, this Board might want to include the issue to evaluate the institution as a whole, not just the president. Performance expectations for the system would be in place for all the institutions. He said that in the exercise of its fiduciary duty, this Board should prescribe its expectations. The document did not identify these expectations and how they should be communicated.

Ms. Johnson said the law required this Board to have a policy on presidential evaluation; a list was not helpful. Mr. Fair said the issues defined the parameters for the evaluation. Dr. Proctor said the Board's accountability measures should be a part of the evaluation. Secretary Horne agreed that this was a beginning point, and should be built upon the accountability measures, which were still being developed.

Secretary Horne said he understood the Board wanted to add issues to the policy on presidential evaluation, such as success with fund-raising, equity and diversity issues, seamlessness and reference to accountability measures. He said staff would refine the proposed policy for further Board review.

B. Policy on University Presidential Searches

Secretary Horne said the agenda included guidelines for presidential searches, not a mandate by which searches must be conducted. Mr. Fair said he had reviewed the staff document, and he distributed additional criteria. He said these searches should be "married" to the Board's searches for its Chancellors.

Dr. Eads noted that in searches conducted by the community colleges, the candidates were not presented to this board for final ratification, whereas they did come to this Board from the universities.

Mr. Fair inquired what this Board did when it “ratified” the selection of a president. Dr. Proctor said that concept was added to the law as a result of concerns expressed by the Commission on Accreditation to identify the governing body for purposes of presidential appointment. There was a legislative desire that the Florida Board have “sign-off” on these appointments. The Trustees would appoint the president, and this Board would ratify that selection, unless there were compelling reasons to reject the proposed candidate. Mr. Fair said he needed clarification on the ratification process and the timeframe. Mr. Horne said the procedure for ratification could be added to the policy.

Mr. García said he liked the proposed criteria, but he wanted to be sure students would be included in the search process. Mrs. Roberts said these searches were very inclusive. Mr. Handy asked that staff incorporate Mr. Fair’s suggestions, but that they are wary of being over-prescriptive.

C. Criteria for New Degree Authorization

Dr. LeMon explained the proposed criteria for this Board’s authorizing of new degrees. He said the Strategic Plan in place for the universities included 47 proposed doctoral programs. Mr. García said it was important that the Board has criteria to prevent duplication of doctorate degrees across the State, but there was nothing comparable for Master’s degrees. Dr. LeMon said this could be added as a need criterion. Dr. Proctor said the Board’s control was by controlling the funding. Dr. Lemon said he was working with the universities to look at productivity and at access to baccalaureate programs.

Mrs. Roberts moved that the Board approve the criteria for new degree authorization, as presented. Mr. Fair seconded the motion, and members of the Board concurred.

15. Delivery System Action Items

The following items were approved, as presented, with the exception of item A, UNF’S Limited Access Request, which was withdrawn from the agenda:

A. Limited Access Status for UNF’s Fine Arts, Graphic Design and Multimedia Tracks

This item was withdrawn from the agenda.

B. Request to Sublease Property, UF

The Board authorized the Chancellor, or the Chancellor's designee, to execute the necessary documents as requested by the Florida Department of Environmental Protection to sublease approximately five (5) acres of land in Brooksville, Hernando County, Florida, to the United States Department of Agriculture, as presented.

C. Resolution of the Florida Board of Education Authorizing the Issuance of Parking Facility Revenue Bonds to Finance Parking Garages, FIU

The Board approved the financing plan and adopted a resolution requesting the Division of Bond Finance of the State Board of Administration of Florida to proceed with the issuance of revenue bonds in an amount not to exceed \$26,905,000 to finance two parking garages on the campus of Florida International University. The Board further authorized the Secretary or the Chairman of the Florida Board of Education, or the Chancellor of the Division of Colleges and Universities, to execute any documents in relation to the bond issue, as presented.

D. Tenure Nominations, as a Condition of Employment

The Board approved the award of tenure to the nominees, as presented in the agenda.

E. St. Petersburg College Out-of-District Requests

The Board approved the request from St. Petersburg College to offer a variety of international study courses, as presented in the agenda.

F. Approval of Academic Improvement Trust Fund Use

The Board approved the requests from Palm Beach Community College and from Pensacola Junior College to use funds from the Academic Improvement Trust Fund, as presented.

G. Appointment, Florida Education Fund

The Board approved the reappointment of Ms. Demoris Rhodes to the Board of Directors of the Florida Education Fund, as presented.

16. Concluding Remarks

Mr. Handy recognized Representative Dennis Baxley. Representative Baxley thanked the Board members for their time and dedication to this exciting new venture. He thanked the Chair for his leadership, and said that he looked forward to working with the Board members during Session.

Mr. Handy said he looked forward to the Board's next meeting, to be held in Tallahassee. The Board would hold a workshop meeting on December 13, 2001, and convene its regular session on December 14, 2001.

17. Adjournment

Having no further business, Chairman Handy adjourned the regular meeting of the Florida Board of Education at 12:15 p.m., November 20, 2001.

F. Philip Handy,
Chairman

Mary-Anne Bestebreurtje,
Corporate Secretary