

STORAGE NAME: h1533s1.eda.doc
DATE: April 13, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION APPROPRIATIONS
ANALYSIS**

BILL #: CS/HB 1533
RELATING TO: Education Governance Reorganization
SPONSOR(S): Committee on Colleges & Universities and Representative Lynn and others
TIED BILL(S): HB 1535

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMITTEE ON COLLEGES & UNIVERSITIES YEAS 12 NAYS 0
 - (2) EDUCATION APPROPRIATIONS
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
-

I. SUMMARY:

Reorganization of the governance of Florida's education system begins July 1, 2001.

The Governor must appoint the seven members of the Florida Board of Education (FBE) by July 1, 2001. The FBE is housed within and operates under the direction of the State Board of Education (SBE). Activities of the FBE are subject to review and approval of the SBE.

The Governor must appoint the eleven member boards of trustees of the state universities between July 1, 2001 and November 1, 2001.

Effective July 1, 2001, the Commissioner's Education Reorganization Workgroup is established to direct and provide oversight for the reorganization of the Department of Education (DOE).

The Board of Regents and the State Board of Community Colleges are abolished and all powers, duties, functions, personnel, etc., are transferred to the FBE by a type two transfer. The Articulation Coordinating Committee and the Education Standards Commission are transferred to the FBE by a type two transfer. The SMART Schools Clearinghouse is transferred from the Department of Management Services to DOE by a type two transfer.

The Postsecondary Education Planning Commission is abolished. Personnel and funding are transferred to the newly created Education K-20 Policy and Research Commission which is administratively housed in the Office of Program Policy Analysis and Government Accountability.

The State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education are merged into a single board, the Commission for Independent Education, administratively housed within the Division of Independent Education.

The Education Governance Reorganization Transition Task Force is directed to provide guidance and monitoring of the implementation process and report on the progress of the implementation to the Governor, the Legislature, and the public.

The fiscal impact of HB 1533 is indeterminate.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

State Board of Education

Currently, the Governor and Cabinet serve as the State Board of Education (SBE). The SBE is the chief policy making body of public education in the state. The Governor serves as the chair of the SBE and the Commissioner of Education serves as its secretary and executive officer.

Department of Education

The Department of Education (DOE) acts as an administrative and supervisory agency under the policy direction of the SBE. The Commissioner of Education serves as the head of DOE. Section 20.15, F.S., establishes the following divisions within DOE:

- a Division of Community Colleges;
- a Division of Public Schools and Community Education;
- a Division of Universities;
- a Division of Workforce Development;
- a Division of Professional Educators;
- a Division of Administration;
- a Division of Financial Services;
- a Division of Support Services; and,
- a Division of Technology.

The Board of Regents (BOR) serves as the director of the Division of Universities. The State Board of Community Colleges (SBCC) serves as the director of the Division of Community Colleges. The Commissioner of Education appoints all directors of all other divisions subject to approval by the SBE. The Commissioner of Education appoints all members of all councils and committees of DOE except the BOR, the SBCC, the community college district boards of trustees, the Postsecondary Education Planning Commission (PEPC), the Education Practices Commission (EPC), the Education Standards Commission (ESC), the State Board of Independent Colleges and Universities (SBICU), and the State Board of Nonpublic Career Education (SBNCE).

District School System

Each county constitutes a school district. The district school system is considered a part of the state system of public education. All actions of district school officials must be consistent with and in harmony with state laws and with rules and minimum standards of the SBE and the Commissioner. District school officials, however, do have the authority to provide additional educational opportunities, as desired, which are authorized, but not required, by law or by the district school board. In accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards must operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law. Responsibility for the administration and management of the schools and for the supervision of instruction in the district is vested in the superintendent as the secretary and executive officer of the school board, as provided by law.

Postsecondary Education

Postsecondary education is instruction above a high school diploma, or instruction for students above 21 years of age who have not earned a high school diploma. Types of instruction include:

- workforce development education (including adult education and postsecondary vocational certificate programs);
- associate degrees;
- baccalaureate degrees;
- graduate and professional degrees (including law, medical, and other masters and doctoral programs); and,
- a wide variety of adult-level lifelong learning, continuing education, and community education courses.

There are 45 school district vocational-technical centers, 28 community colleges, 10 state universities, over 100 private colleges and universities, and nearly 500 private career schools. All together, more than 1.5 million students are served: over 568,000 in the school district system; nearly 840,000 in the community college system; over 218,000 in the state university system; and over 210,000 in private schools, colleges, and universities.

Under the general supervision of the SBE, local school boards govern school district vocational centers; the SBCC coordinates the activities of the local boards of trustees which govern community colleges; and the BOR governs state universities. Additionally, the SBICU is responsible for licensure and consumer protection activities related to private colleges and universities and the SBNCE is responsible for licensure and consumer protection activities related to private career schools.

Workforce Development Education

Workforce development education consists of two main components: adult education and vocational education.

Adult education includes:

- adult basic education (grade levels 0 - 8);
- adult secondary education (high school and GED);
- classes in English for speakers of other languages (ESOL); and,

- vocational preparatory education (which helps a person achieve literacy in order to pursue employment).

Vocational education includes:

- vocational certificate programs (such as welding, auto mechanics, or cosmetology);
- Associate in Science (AS) degrees (such as nursing); and,
- continuing workforce education courses (such as a single course in Windows to update skills).

Also included in vocational education are some new credentials that are currently being implemented. These new credentials include an Associate in Applied Science (AAS) degree, an Applied Technology Diploma (ATD), and Occupational Completion Points (OCP).

Multiple economic development surveys have consistently cited workforce development education as one of the top three factors in attracting new business and retaining or expanding existing business. Both school district vocational-technical centers and community colleges can offer workforce development education; however, only community colleges can offer college-credit programs.

State Board of Community Colleges/Community College System

The Florida Community Colleges System is comprised of 28 locally-controlled, public community colleges and the State Board of Community Colleges. Each community college is a political subdivision of the state. The 28 community colleges are:

- Brevard Community College;
- Broward Community College;
- Central Florida Community College;
- Chipola Junior College;
- Daytona Beach Community College;
- Edison Community College;
- Florida Community College at Jacksonville;
- Florida Keys Community College;
- Gulf Coast Community College;
- Hillsborough Community College;
- Indian River Community College;
- Lake City Community College;
- Lake Sumter Community College;
- Manatee Community College;
- Miami-Dade Community College;
- North Florida Community College;
- Okaloosa-Walton Community College;
- Palm Beach Community College;
- Pasco-Hernando Community College;
- Pensacola Junior College;
- Polk Community College;
- St. Johns River Community College;
- St. Petersburg Junior College;
- Santa Fe Community College;
- Seminole Community College;
- South Florida Community College;
- Tallahassee Community College; and,
- Valencia Community College.

The Florida Legislature established the State Board of Community Colleges (SBCC) in 1983 to coordinate activities and provide leadership to the Community College System. The SBCC serves as the director of the Division of Community Colleges in the Florida Department of Education (DOE).

The SBCC is comprised of the Commissioner of Education, one student, and 11 lay citizens appointed by the Governor, approved by four members of the State Board of Education, and confirmed by the Senate. The Commissioner of Education may nominate two or more persons for each position, prior to appointment by the Governor. With the exception of the student member, the lay members must have been residents and citizens of Florida for at least 10 years prior to appointment. The student member must be a registered student in a community college and must have been a resident of Florida for at least 5 years. The lay members serve for 5 years, and the student member serves for one year.

The role of the SBCC is to coordinate and oversee the operation of the 28 locally controlled community colleges. Primary aspects of this role include: developing statewide policy; approving legislative budget requests; reviewing and evaluating programs; information sharing; and advocating for community colleges. The SBCC provides general leadership to the system in all areas. The board is responsible for establishing and developing rules and policies that ensure the operation and maintenance of the Community College System in a coordinated, efficient, and effective manner. The SBCC also reviews and approves all budgets and related amendments for the community colleges. These duties and responsibilities are carried out for the system as a whole while being careful not to intrude on the authority of local community college boards of trustees.

Section 240.311(4), F.S., directs the SBCC to appoint, and permits the SBCC to suspend or dismiss, an executive director. The SBCC is authorized to fix the compensation for the executive director and for all other professional, administrative, and clerical employees necessary to assist the SBCC in the performance of their duties. Responsibilities of the executive director are prescribed.

Florida Board of Regents/State University System

The State University System (SUS) consists of the ten state universities and the Board of Regents (BOR). The ten SUS institutions are:

- The University of Florida (UF), with a main campus in Alachua County;
- The Florida State University (FSU) with a main campus located in Leon County;
- The Florida Agricultural and Mechanical University (FAMU), with a main campus located in Leon County;
- The University of South Florida (USF), with a main campus located in Hillsborough County;
- The Florida Atlantic University (FAU), with partner campuses located in Palm Beach County and Broward County;
- The University of West Florida (UWF), with a main campus located in Escambia County;
- The University of Central Florida (UCF), with a main campus located in Orange County;
- The University of North Florida (UNF), with a main campus located in Duval County;
- The Florida International University (FIU), with a main campus located in Dade County; and,
- The Florida Gulf Coast University (FGCU), with a main campus located in Ft. Myers.

The mission of the State University System is to provide opportunities to the citizens of Florida to pursue baccalaureate and graduate education essential to the full development of human intellectual potential, to provide an educated citizenry fully qualified to perform, and through research and teaching, to promote the economic health and development of Florida.

The Board of Regents is the governing and coordinating authority for the ten public universities in the State University System of Florida. The BOR consists of 13 members, including one student

regent and the Commissioner of Education. All members are appointed by the Governor except the Commissioner of Education. Regents serve six-year terms.

The BOR is responsible for adopting system-wide rules and policies; planning the future needs of the State University System; planning the programmatic, financial, and physical development of the system; reviewing and evaluating the instructional, research, and service programs at the universities; coordinating program development among the universities; and, monitoring the fiscal performance of the universities.

Section 240.209(2), F.S., directs the BOR to appoint a Chancellor to serve at its pleasure and perform such duties as are assigned by the BOR. The BOR is authorized to fix compensation and other conditions of employment for the Chancellor. The BOR is also authorized to provide for compensation and other conditions of employment for employees necessary to assist the BOR and the Chancellor in the performance of their duties. The Chancellor serves as the chief administrative officer of the BOR and is responsible for appointing all employees of the BOR. Search committee activities for the selection of the Chancellor up to the point of transmitting a list of nominees to the BOR are exempt from the provisions of the Public Records Law (s. 119.07, F.S.) and the Public Meetings Law (s. 286.011, F.S.)

Postsecondary Education Planning Commission

The Postsecondary Education Planning Commission (PEPC) serves as an advisory body to the State Board of Education (SBE), the Legislature, and other entities on matters relating to postsecondary education. PEPC is composed of 11 members of the general public and one full-time student. Members are appointed by the Governor with the approval of three members of the SBE and subject to confirmation by the Senate. Each member serves a four-year term except for the student member who serves a one-year term.

PEPC must prepare and update every five years a master plan for postsecondary education. The plan must include consideration of the promotion of quality, fundamental educational goals, programmatic access, needs for remedial education, regional and state economic development, international education programs, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and the requirements of the labor market. The capacity of existing programs, in both public and independent institutions, to respond to identified needs must be evaluated, and a plan must be developed to respond efficiently to unmet needs. PEPC must review implementation of the master plan and annually report the progress toward implementation.

PEPC also recommends to the SBE contracts with independent institutions; advises the SBE regarding the need for and location of new programs, institutions, campuses, and instructional centers of public postsecondary education; reviews public postsecondary education budget requests for compliance with the state master plan; periodically reviews the accountability processes and reports of the State University System, the State Community College System, and independent institutions; and, conducts studies and planning activities related to the overall improvement and effectiveness of postsecondary education in Florida. Sections 240.145 and 240.147, F.S., relate to PEPC.

State Board of Independent Colleges and Universities

The State Board of Independent Colleges and Universities (SBICU) is an independent rule-making board with responsibility for protecting the integrity of degrees conferred by independent colleges and universities and protecting students and consumers from fraudulent education. Oversight responsibilities include nonpublic colleges and universities and branch campuses and centers of out-of-state institutions.

The SBICU is comprised of nine members appointed by the Governor and subject to confirmation by the Senate. Criteria requiring institutional representation on the SBICU are set forth in statute. The members serve 3-year terms.

The SBICU sets licensure standards, reviews applications for, and issues licenses for institutions under the jurisdiction of the SBICU. The SBICU monitors the consumer practices of nonpublic colleges and serves as a central agency for collecting and distributing information regarding independent colleges and universities. Chapter 246, F.S., contains provisions relating to the SBICU.

State Board of Nonpublic Career Education

The State Board of Nonpublic Career Education (SBNCE) provides oversight of the system of private career schools in the state. Although assigned to the Department of Education, the SBNCE operates as an independent administrative body.

The SBNCE is comprised of nine members appointed by the Governor as follows: one from a business school; one from a technical school; one from a home study school; one from a nonpublic school; four from business and industry; and an administrator of vocational-technical education from a public school district or community college. Subject to confirmation by the Senate, members serve staggered terms of three years.

The role of the SBNCE is to oversee the implementation of minimum educational standards and fair consumer practices for nonpublic postsecondary career education in the state. The board seeks to protect the health, education, and welfare of the citizens of Florida and facilitates and promotes the acquisition of minimum satisfactory career education by all citizens of Florida. Primary aspects of this role include: prescribing, recommending, and administering rules for the establishment and operation of nonpublic postsecondary career schools; preparing annual reports on accountability measures that pertain to nonpublic postsecondary career schools; establishing and administering licensure requirements; administering licensure and disciplinary procedures for noncompliance; and, serving as a central agency for collection and distribution of current information regarding institutions licensed by the SBNCE.

The executive director is appointed by the SBNCE to serve as its executive officer and secretary. The executive director is responsible for implementing the rules and policies established by the board, is in charge of the offices of the board, and is responsible for appointing and terminating the staff of the board. Chapter 246, F.S., contains provisions relating to the SBNCE.

Education Standards Commission

The Education Standards Commission (ESC), created in 1980, is an appointed body of 24 practicing educators and citizens who are nominated by the Commissioner of Education, appointed by the SBE and subject to Senate confirmation. The duties of the ESC are to:

- Recommend to the SBE high standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns.
- Recommend to the SBE standards for approval of preservice teacher education programs.
- Plan and conduct an annual review of human resources studies regarding teaching personnel and report the findings to the SBE.
- Recommend to the SBE objective, independently verifiable standards of measurement and evaluation of teaching competence.
- Recommend to the SBE alternative ways to demonstrate qualification for certification which assure fairness and flexibility while protecting against incompetence.
- Recommend critical state priorities for preservice and inservice teacher training such as understanding diverse student populations, working in a changing workplace, and understanding subject matter and instruction; recommend standards for measuring evidence of training in these priorities for continuing program approval for preservice teacher

education, initial teacher certification and certificate renewal, and staff development activities.

- Evaluate the progress of school community professional development systems.

The ESC is to develop standards of professional practice in areas including, but not limited to, ethical and professional performance. Members of the teaching profession are to develop and recommend to the ESC codes of ethics and professional performance. The ESC must make recommendations to the SBE for adoption of codes, standards, and rules and is required to present its recommendations to the SBE and to the Legislature. Upon adoption of such professional standards by the SBE, those who practice in this profession are obligated to abide by these standards.

An apparent violation of any of the codes and standards adopted by the ESC is deemed to be sufficient for the bringing of a charge of unprofessional practices. A charge of unprofessional practice is reviewed and acted upon by the Education Practices Commission. (EPC)

The ESC and the EPC are required to meet together at least once each year for the purpose of cooperation in the development and implementation of standards.

Articulation Coordinating Committee

The state-wide Articulation Coordinating Committee (ACC) was established in 1971 as part of the Articulation Agreement to adjudicate institutional or student conflicts regarding student transfer and admissions, interpret and recommend amendment to the Articulation Agreement, and develop procedures to facilitate articulation.

The ACC is appointed by and reports to the Commissioner of Education. It is currently comprised of 15 representatives from all levels of public and private education: The Office of the Commissioner of Education, the State University System, the Community College System, independent postsecondary institutions, public schools, applied technology education, a student member and a member-at-large.

Specific responsibilities of the ACC are:

- To accept continuous responsibility for public school district-community college-university relationships.
- To establish groups of university-community college-public school district representatives to facilitate articulation in subject areas.
- To conduct a continuing review of the provisions of the Articulation Agreement (Rule 6A-10.024, F.A.C.).
- To review instances of student transfer and admissions difficulties among state universities, community colleges, and public schools. Decisions are advisory to the institutions concerned.
- To recommend resolutions of issues and recommend policies and procedures to improve articulation systemwide.
- To recommend the priority given research conducted cooperatively by the Divisions of Community Colleges, Universities, and Public Schools with individual institutions.
- To review and make recommendations to institutions for experimental programs which vary from official transfer policy.
- To recommend to the Commissioner biennially any necessary changes in the definition of college-level communication and computation skills.

- To develop test item specifications based on the college-level communication and computation skills identified in SBE rules and use the specifications to develop tests and other assessment procedures to measure the level of student attainment of the skills.

The ACC has responsibility for implementing statutory provisions relating to the following: general education course requirements; common prerequisite courses for degree programs; uniformity of course level in the Statewide Common Course Numbering System; a single, unified, postsecondary workforce development system; standards for guaranteeing the statewide articulation of appropriate courses within associate-of-science degree programs to baccalaureate degree programs; and the Florida Bright Futures Scholarship Program.

Florida Partnership for School Readiness

The School Readiness Act, Ch. 99-357, L.O.F., created the Florida Partnership for School Readiness (Partnership) to fulfill three major purposes:

1. To administer school readiness program services that help parents prepare at-risk children for school;
2. To coordinate the provision of school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient; and
3. To establish a uniform screening instrument to be implemented by DOE and administered by the school districts upon entry into kindergarten to assess the readiness for school of all children.

Legislative intent of the school readiness program is to increase children's probability of achieving future educational success, provide elements necessary to prepare at-risk children for school and design a uniform instrument for measuring school readiness upon enrollment in the public education K-12 system. The programs are to be locally designed and managed with the state readiness coalition approving and reviewing local school readiness plans.

The Partnership is assigned to the Executive Office of the Governor and members include: the Lt. Governor or designee, Commissioner of Education, Secretary of Children and Family Services, Secretary of Health, Chairperson of the Child Care Executive Partnership Board, Chairperson of WAGES and ten members of the public, all appointed by the Governor. Members serve four-year terms. The Partnership appoints a chairperson annually and must meet at least quarterly but as often as necessary. The Partnership appoints an executive director who performs assigned duties and is responsible for hiring employees and staff.

Ch. 99-357, L.O.F., assigns the following tasks to the Partnership:

1. By February 15, 2000, the Partnership must present to the Legislature, recommendations for combining funding streams for school readiness programs into a single trust fund.
2. By February 15, 2000, the Partnership shall present to the Legislature, recommendations for providing necessary transportation services for school readiness programs.
3. By June 1, 2000, develop and adopt performance standards and outcome measures.
4. By July 1, 2000, the Partnership must adopt a system for measuring school readiness that will provide data regarding expectations for school readiness, establish a method for collecting the data, and guidelines for using the data.
5. By July 1, 2000, the Partnership must prepare and submit to the State Board of Education, a system for measuring school readiness. A uniform screening instrument will be administered to each child upon enrollment in the public school kindergarten program.
6. By December 1, 2000, the Partnership must adopt a system for evaluating the performance of students through third grade, comparing performance to those students who did not participate in school readiness programs.

In addition, the Partnership must submit an annual report of the program's activities to: the Governor, the President of the Senate, the Speaker of the House, the Director of the Florida Healthy Kids Corporation, and the minority leaders of both houses. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs and the number of children who were ready for school.

Florida On-Line High School

The Florida On-Line High School (FOHS) is a public on-line school serving students in Florida. The "virtual" high school provides curriculum and instructional services on the Internet at no charge to Florida students whether they are home education students, hospital/homebound students, public school students, or private school students.

Districts that wish to have their students participate in FOHS courses may enter into affiliation agreements, which provide that districts allow their students to enroll in FOHS course offerings and accept credit for successful completion of FOHS courses.

The web-based on-line high school was initiated in 1996 and officially launched in August 1997 by two school boards: Alachua and Orange Counties. During the 1997-1998 school year, they served students predominantly from these two districts. Most recent reports indicate FOHS has affiliation agreements with all 67 school districts and serves 2,120 students registered for 3,808 courses. During the 2000-2001 school year, FOHS plans to offer 56 courses. With the development of a physical education course, FOHS will be able to offer a full high school curriculum. FOHS projects approximately 5,000 course registrations. Currently there are 50 "classroom" teachers. According to information provided by FOHS, the school has a 70 percent course completion rate.

The 2000 Legislature established a transitional governance structure with a board of trustees to govern FOHS. The board is authorized to adopt rules, policies and procedures relating to governance, personnel, budget and finance, administration, program, curriculum and instruction, travel and purchasing, technology, students, contract and grants, and property. The board is authorized to enter into agreements with distance learning providers and may acquire, enjoy, use, and dispose of patents, copyrights, trademarks, licenses, rights, and interests. Although the ownership of these remains with the state, the board has the full right of use and the right to retain any revenues derived from their use. The funds must be used to support the school's research and development in order to improve courseware and services for students. By January 2001, the board of trustees must submit to the Governor and the Legislature a marketing and operational plan; recommendations regarding the unit cost of providing services to students; and, recommendations regarding an accountability mechanism to assess the effectiveness of the FOHS services.

By March 1, 2001, the Education Governance Reorganization Task Force must recommend to the Legislature the optimal mission of FOHS and a methodology for its operation and funding to achieve that mission.

SMART Schools Clearinghouse

The 1997 Legislature created the SMART Schools Clearinghouse as part of the "SMART Schools Act" (Soundly-Made, Accountable, Reasonable and Thrifty Schools Act) which was the Legislature's long-term solution to school overcrowding. The Act was based on four basic principles:

1. provide immediate assistance to the school districts;
2. maintain functional, frugal school construction standards;
3. be a balanced plan with respect to all 67 school districts; and
4. raise no new taxes.

The seven components of the SMART Schools Plan included:

1. Classrooms First Funding;
2. SIT Program;
3. Effort Index Grant Fund;
4. SMART Schools Clearinghouse;
5. Small County Assistance;
6. 5-year Capital Plans; and
7. Frugal Schools Program.

The SMART Schools Clearinghouse is comprised of five members appointed by the Governor, the Speaker of the House of Representatives, and the President of the Senate. The Clearinghouse is responsible for making recommendations for SIT Program awards. The Clearinghouse recommends frugal construction standards and reviews school districts' performance in meeting established design and construction standards in the five-year work plans. Prior to the 1999 Legislative Session, the SMART Schools Clearinghouse also made recommendations for the distribution of the Effort Index Grant funds.

1998 Constitutional Amendment Relating to Education Governance

In the 1998 General Election, Floridians amended the State Constitution, effective January 7, 2003, to require a new state board of education consisting of seven members appointed by the Governor, subject to confirmation by the Senate, and to require that this board appoint the Commissioner of Education.

In 1999, the Commissioner of Education convened a 35-member Blue Ribbon Committee representing all regions of the state and all sectors of the education community. Prior to the 2000 Legislative Session, this committee presented its final report and recommendations for a seamless education system under the new state board.

Florida Education Governance Reorganization Act of 2000

The 2000 Legislature addressed the 1998 constitutional amendment by enacting the Florida Education Governance Reorganization Act of 2000 (ch. 2000-321, L.O.F.) The Act proposes to achieve, within existing resources, true systemic change in education governance by establishing a seamless academic system that fosters an integrated continuum of kindergarten through graduate school education for Florida's citizens.

The Act establishes legislative policy for a seamless K-graduate school education system with consistent education policy; alignment of academic and funding responsibility with accountability; effective articulation; and devolution of authority to the schools, community colleges, universities, and other education institutions that are the actual deliverers of educational services. It establishes guiding principles of a coordinated, seamless system for all education that is student-centered in every facet; that maximizes education access and academic success; and that safeguards equity and refuses to compromise academic excellence.

Effective January 7, 2003, a seven-member Florida Board of Education (FBE) will be appointed by the Governor; a Commissioner of Education will be appointed by the FBE; Chancellors of K-12 Education, State Universities, and Community Colleges and Career Preparation, an Executive

Director of Nonpublic and Nontraditional Education will be appointed by the Commissioner; and nine-member boards of trustees for each state university will be appointed by the Governor.

Effective January 7, 2003, the powers and duties of the following entities are relocated to the FBE and these entities are abolished: Board of Regents; State Board of Community Colleges; State Board of Independent Colleges and Universities; State Board of Nonpublic Career Education; Postsecondary Education Planning Commission; Articulation Coordination Committee; the Division of Workforce Development, Human Resource Development, Administration, Financial Services, Support Services, Technology, Universities, Community Colleges, and, Student Financial Assistance of the Department of Education.

By October 1, 2000, the Governor, President of the Senate and the Speaker of the House of Representatives must appoint a reorganization transition task force to accomplish an effective, orderly three-year phase in, with a timetable for recommendations: 3/1/2001 (system merger/devolution); 3/1/2002 (system-wide coordination/boards of trustees); 3/1/2003 (statutes/rules revisions, waivers, contracts); and, a final report due on 5/1/2003.

Education Governance Reorganization Transition Task Force

The Task Force required by ch. 2000-321, L.O.F., held its first meeting on September 13 in Tallahassee and continued meeting monthly through February 2001. Meetings were held in Tallahassee, Jacksonville, Orlando, Miami, and Tampa, and were webcast. Task Force materials were maintained on-line. The opportunity to contact Task Force staff via e-mail and receive periodic updates from the Task Force via e-mail was also provided. In addition to providing opportunity for public testimony at task force meetings, Task Force members and staff addressed a variety of organizations and institutions to inform them of Florida's education governance reorganization efforts.

Recommendations of the Task Force to the Legislature were published March 1, 2001. Those recommendations include the following:

1. The Legislature should articulate a clear vision for the relationship of the state to local education entities.
2. The Legislature should establish in law the major components of the new K-20 system and initiate the transition effective July 1, 2001.
3. An interim Florida Board of Education should be given statutory authority to begin the implementation of Florida's new k-20 education governance structure, effective July 1, 2001.
4. The interim Florida Board of Education should have the full support needed to address issues that span all of education, K-20.
5. The Legislature should authorize the interim Florida Board of Education and the Commissioner of Education to reorganize the Department of Education to reflect the seamless system, effective July 1, 2001.
6. The Legislature should authorize the appointment of Boards of Trustees and establish duties and authority of postsecondary institutions within the new system.
7. The Legislature should enact a comprehensive K-20 accountability system to assess the effectiveness of Florida's K-20 public education system.
8. The transition process must be managed to ensure the system achieves the vision by January 2003.
9. The Legislature should reinforce the need for strong coordination but should not place the Florida's Partnership for School Readiness in the Florida Department of Education for purposes of administration.
10. The Legislature should revise the Florida On-Line High School mission statement, establish a new funding methodology, and house the school within the Division of Public Schools.

Additional information regarding Task Force activities and a copy of the Task Force final report to the Legislature is available at the following website:

http://www.myflorida.com/myflorida/government/learn/egrt_taskforce/index.html

Type Two Transfer

Section 20.06, F.S., provides that the executive branch of state government is to be reorganized by transferring the specified agencies, programs, and functions to other specified departments, commissions, or offices. Such a transfer does not affect the validity of any judicial or administrative proceeding pending on the day of the transfer, and any agency or department to which are transferred the powers, duties, and functions relating to the pending proceeding must be substituted as a party in interest for the proceeding.

Section 20.06(2), F.S., defines a types two transfer as the merging into another agency or department of an existing agency or department or a program, activity, or function thereof or, if certain identifiable units or subunits, programs, activities, or functions are removed from the existing agency or department, or are abolished, it is the merging into an agency or department of the existing agency or department with the certain identifiable units or subunits, program, activities, or functions removed therefrom or abolished.

Any agency or department or a program, activity, or function thereof transferred by a type two transfer has all of its statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, except those transferred elsewhere or abolished, transferred to the agency or department to which it is transferred, unless otherwise provided by law. The transfer of segregated funds must be made in such a manner that the relation between program and revenue source as provided for by law is retained.

Unless otherwise provided by law, the head of the agency or department to which an existing agency or department or a program, activity, or function thereof is transferred is authorized to establish units or subunits to which the agency or department is assigned, and to assign administrative authority for identifiable programs, activities, or functions, to the extent authorized in Chapter 20, F.S.

Projects, Contracts, and Grants Trust Fund

Section 229.085(2), F.S., creates the Projects, Contracts, and Grants Trust Fund in DOE. If a specific project funded through one of these contract or grants requires the employment of personnel, DOE is not subject to the position control requirements of s. 216.262, F.S., which prohibit the total number of authorized positions within a state agency from exceeding the total provided in the appropriations acts. The personnel employed to plan and administer projects funded through this trust fund are considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs.

Expenditures for the Knott Data Center and Projects, Contracts, and Grants Programs

Section 229.8065, F.S., exempts DOE from the requirement of submitting a legislative budget request for the Knott Data Center budget entity or the Projects, Contracts, and Grants budget entity. These budget entities were transferred to auxiliary service status in the 1994-1995 implementing bill. Ch. 95-395, L.O.F., codified that action.

C. EFFECT OF PROPOSED CHANGES:

Reorganization of the governance of Florida's education system begins July 1, 2001. Specific tasks and due dates for the implementation process are prescribed.

The Governor must appoint the seven members of the Florida Board of Education by July 1, 2001. The Florida Board of Education is housed within and operates under the direction of the State Board of Education. Activities of the Florida Board of Education are subject to review and approval by the State Board of Education.

The Governor must appoint eleven-member boards of trustees of the state universities between July 1, 2001 and November 1, 2001. A student body president will serve on each board as an ex officio nonvoting member. Powers and duties of the boards of trustees and university presidents are outlined.

Effective July 1, 2001, an Education Reorganization Workgroup is established to direct and provide oversight for the reorganization of the Department of Education.

The Board of Regents and the State Board of Community Colleges are abolished and all powers, duties, functions, personnel, etc., are transferred to the Florida Board of Education by a type two transfer.

The Postsecondary Education Planning Commission is abolished and its personnel and funding transferred to the newly created Education K-20 Policy and Research Commission which is housed in OPPAGA.

The Articulation Coordinating Committee and the Education Standards Commission are transferred to the Florida Board of Education by a type two transfer.

The State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education are merged into a single board, the Commission for Independent Education, administratively housed within the Division of Independent Education. Responsibility for certain independent institutions formerly under the SBICU is moved to the Division of Colleges and Universities which also has responsibility for state universities.

The Florida Partnership for School Readiness is administratively housed in the Agency for Workforce Innovation.

The Florida On-Line High School is renamed as the Florida Virtual High School and administratively housed within the Commissioner's Office of Technology and Information Services.

The Education Governance Task Force is directed to provide guidance and monitoring of the implementation process and report on the progress of the implementation to the Governor, the Legislature, and the public. The Task Force must submit a final report by March 1, 2003. The final report must include the status of full implementation of the K-20 education system.

Section 229.8065, F.S., which relates to expenditures of the Knott Data Center and Projects, Contracts and Grants budget entities is repealed.

The SMART Schools Clearinghouse is transferred to the Office of Education Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 229.001, F.S. – Short Title.

Revises the title of the act to be “Florida Education Governance Reorganization Implementation Act”.

Section 2. Amends s. 229.002, F.S., relating to declaration of policy and guiding principles.

Clarifies that it is an overall legislative policy to ensure independence, autonomy, and nongovernmental status of the independent education sector and deletes language indicating that such policy to ensure autonomy is restricted to articulation.

Revises the guiding principles for Florida's new education governance to be:

1. A coordinated, seamless system for kindergarten through graduate school education.
2. A system that is student-centered in every facet.
3. A system that maximizes education access and provides the opportunity for a high-quality education for all Floridians.
4. A system that safeguards equity and supports academic excellence.
5. A system that provides local operational flexibility while promoting accountability for student achievement and improvement.

Section 3. Amends s. 229.003, F.S., relating to Florida education governance reorganization.

Revises the timeframe for the education governance reorganization; deletes references to dates; cross-references implementation process created in s. 229.0072, F.S., (See Section 10 of the Section-by-Section Analysis) and the missions and goals created in s. 229.007, F.S. (See Section 9 of Section-by-Section analysis.)

Revises the titles of the education governance officers: Chancellor of Public Schools; Chancellor of Colleges and Universities; Chancellor of Community Colleges; Executive Director of Independent Education.

Renames the Florida On-line High School as the Florida Virtual High School.

Increases the membership on the university boards of trustees to 11. Requires that a student body president sit as an ex officio nonvoting member of the board. Provides that there is no state residency requirement for university board members, but requires the Governor to consider regional representatives as appropriate.

Deletes a requirement that all members of the Board of Trustees of Florida Atlantic University reside in the service area with three from Broward County and three from Palm Beach County.

Abolishes the Board of Regents effective July 1, 2001, and transfers by a type two transfer, all powers, duties, functions, records, personnel, and property; unexpended balance of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and, existing contracts to the Florida Board of Education.

Abolishes the State Board of Community Colleges effective July 1, 2001, and transfers by a type two transfer all powers, duties, functions, records, personnel, and property; unexpended balance of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and, existing contracts to the Florida Board of Education.

Abolishes the Postsecondary Education Planning Commission effective July 1, 2001.

Creates the Education K-20 Policy and Research Commission effective July 1, 2001. The commission is assigned for administrative purposes to the Office of Program Policy Analysis and Government Accountability (OPPAGA). OPPAGA is a unit of the Office of the Auditor General.

Transfers all personnel, unexpended balances of appropriations, and allocations of PEPC to the Education K-20 Policy and Research Commission.

Transfers by type two transfer the Articulation Coordinating Committee and the Education Standards Commission from DOE to the FBE.

Requires the Commissioner of Education to reorganize DOE in accordance with the provisions of s. 229.0073, F.S., (See Section 11 of Section-by-Section Analysis.) The reorganized DOE must include an Office of the Commissioner of Education; an Office of Technology and Information Services; an Office of Workforce and Economic Development; an Office of Educational Facilities; a Division of Colleges and Universities; a Division of Community Colleges; a Division of Public Schools; and, a Division of Independent Education. The Division of Independent Education administratively houses the Commission for Independent Education which is to be created from a merger of the powers, duties, and staffs of the SBICU and the SBNCE, except as relating to any independent nonprofit college or university whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, F.S. Responsibilities relating to these institutions will be transferred from the SBICU to the newly created Division of Colleges and Universities.

Deletes language relating to the January 7, 2003 repeal of selected entities and associated transfer of powers and duties.

Section 4. Creates s. 229.0031, F.S., relating to the Education K-20 Policy and Research Commission (Commission).

Creates the nine-member Education K-20 Policy and Research Commission.

Provides for five members of the commission to be appointed by the Governor, two members to be appointed by the President of the Senate, and two members to be appointed by the Speaker of the House of Representatives. Elected officials may not serve as members. A member's term is six-years. Provides for staggered terms for initial appointments.

Provides for reimbursement of per diem and travel expenses.

Administratively houses the commission within OPPAGA, a unit of the Auditor General's Office. Requires that administrative functions of the Commission be provided by the Office of Legislative Services pursuant to joint policies of the Legislature.

Directs the new commission to appoint and employ an executive director. However, the first executive director of the new commission must be appointed by the Education Governance Task Force, subject to confirmation by the commission. The Legislative Auditing Committee currently appoints the executive director of OPPAGA subject to confirmation by a majority vote of the Senate and House.

Specifies powers and duties of the commission:

- Provide state policymakers with information that supports a seamless student-centered K-20 education system and accountability process.
- Annually review and make recommendations to the Legislature regarding the activities of research centers and institutes supported with state funds.
- Explore national, state, and local emerging issues.
- Identify successful and innovative educational programs.
- Prepare a long-range master plan for the K-20 system and review and report annually on the plan's implementation, success, and recommended revision.
- Conduct selected program evaluations as requested.

Section 5. Amends s. 229.004, F.S., relating to the Florida Board of Education.

Revises the timeframe for creation of the Florida Board of Education; removes references to dates.

Cross-references guidelines for implementation, structure, functions, and organization created in s. 229.0061, F.S. (See Section 8 of the Section-by-Section Analysis); implementation process created in s. 229.0072, F.S., (See Section 10 of the Section-by-Section analysis); and, the missions and goals created in s. 229.007, F.S. (See Section 9 of Section-by- Section Analysis.)

Deletes reference to part-time board.

Permits members of the FBE to perform statutorily prescribed duties without confirmation by the Senate. The constitution, however, requires Senate confirmation when they assume their full responsibility in 2003.

Provides for reimbursement of travel and per diem expenses.

Directs the FBE, together with the Commissioner of Education, to enforce compliance with the education policies established by the Legislature.

Requires the FBE and the Commissioner to establish, operate, and maintain optimal efficiency of an Office of the Commissioner of Education.

Section 6. Amends s. 229.005, F.S., relating to Florida education governance officers.

Deletes references to the appointed Commissioner of Education, since the elected commissioner serves until January 7, 2003. Assigns to the elected commissioner tasks required to implement the transition activities.

Requires the Commissioner of Education to work with the FBE and oversee other governance officers to focus the entire education system on accomplishing the policies and guiding principles and achieving the mission and goals as prescribed in the Act.

Requires the Commissioner to serve as the secretary of the FBE and as chief executive officer of the seamless system.

Requires chancellors and executive director to have the ability to work as vice-presidents of the seamless system with the FBE and each other and the ability to achieve the mission and goals prescribed in s. 229.007, F.S. (See Section 9 of the Section-by-Section analysis.)

Replaces the term "nonpublic" with the term "independent".

Section 7. Amends s. 229.006, F.S., relating to the Education Governance Reorganization Transition Task Force.

Deletes language relating to the creation and duties of the Task Force.

Revises timeframe for the reorganization.

Directs the Task Force to provide guidance and monitoring of the implementation process as created in s. 229.0072, F.S., (See Section 10 of the Section-by-Section Analysis) and report the progress of the implementation to the Governor, Legislature, and the public. If a majority of the Task Force determines that an implementation activity is inconsistent with the intent of this Act, the chair of the Task Force must report such activity directly to the SBE and the SBE must act immediately to resolve the dispute.

Requires a final report of the Task Force by March 1, 2003. The final report must include the status of full implementation of the K-20 education system.

Section 8. Creates s. 229.0061, F.S., relating to Florida's K-20 education system; guidelines for implementation; guidelines for structure, functions, and organization.

Provides for a decentralized system in which commissions, boards, councils, and other layers of bureaucracy are eliminated.

Requires the system to rely on a single entity, the FBE, as its single strategic source. Permits the FBE to appoint committees to assist on any and all issues.

Requires members of the FBE and university boards of trustees to focus on high-level policy decisions.

Recognizes the need for a fully operational system-wide technology plan.

Prescribes roles of the Legislature, the FBE, the educational governance officers, institutional boards of trustees, and school boards.

- Requires the Legislature to establish education policy, enact education laws and appropriate and allocate educational resources.
- Requires the FBE to enforce all laws, rules, and guidelines and to timely provide direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.
- Requires the Legislature, the FBE, the education governance officers, the institutional boards of trustees, and school boards to each perform essential constituent roles.

Provides for the FBE as a body corporate; requires the FBE to implement the system-wide education vision and oversee the success of that vision. Requires the FBE to:

- Enforce system-wide education policies and goals.
- Recommend an annual system-wide education budget; authorize allocation of resources in accordance with law and rule. Requires any program recommended by the FBE which requires state funding for more than one year to be presented in a multi-year budget plan.
- Adopt long-term and short-term education plans.
- Enforce education accountability standards and measures.
- Assess data and monitor and report performance.

- Provide assistance and intervention.
- Provide information on education services.
- Recommend to the Legislature the missions of public colleges and universities and community colleges.

Requires the Commissioner of Education to serve as secretary and executive director of the FBE and as CEO of the seamless system. Requires the Commissioner to propose action on all issues that come before the FBE. Provides that the Commissioner is responsible for enforcing compliance with the mission and goals of the seamless system.

Requires the Commissioner's office to operate all state-wide functions necessary to support the FBE and the seamless system including the following areas: legal; communications; strategic planning and budget development; general administration; assessment and accountability; data management; education technology; an education data warehouse; access and opportunity, including financial aid; policy research and development, except the Education K-20 Policy and Research Commission; FBE personnel; workforce and economic development; education facilities; and, the Inspector General.

Provides guidelines for the structure, functions, and organization of the Chancellors and Executive Director. Each governance officer, as applicable to that officer's division, must:

- Serve the FBE and the Commissioner as vice-presidents, governance officers, and members of the education leadership team.
- Provide leadership.
- Administer programs.
- Resolve disputes.
- Provide technical assistance.
- Recommend action to the Commissioner for sanctions and interventions.
- Support governing policies and responsibilities of the FBE and the Commissioner.
- Provide primary responsibility for achievement of mission and goals of their sector.
- Reinforce policies and principles of a seamless system.
- Serve as head of division.
- Supervise employees and work of division.
- Inform institutions and public of legislative action.
- Direct review of expenditure of public funds.
- Evaluate performance of institutions and report results.
- Direct institutional governing boards to take corrective action.
- Direct and oversee the development of the division's accountability system.
- Direct division's activities to coordinate with other divisions.
- Direct provision of state services.
- Direct development of the Legislative Budget Request for the division.
- Perform essential constituent roles.
- Serve as primary point of contact and communication.

Provides guidelines for the structure, functions, and organization of institutional boards of trustees and school boards: Requires each to:

- Provide strategic planning and budget development for institutions or the school district.
- Implement and maintain high quality education programs.
- Measure and enforce performance.
- Report information.

- Provide input to education governance officers.
- Have broad latitude to develop local policies and programs.
- Hold president and superintendent responsible for performance.
- Be responsible for fiscal accountability of institution or school district.
- Be responsible for compliance with laws, rules, and performance accountability requirements.

Provides guidelines for the structure, functions, and organization of institutional presidents and school district superintendents. Requires each to:

- Be responsible for efficient and effective budget and program administration.
- Provide strong leadership to accomplish mission and goals.
- Monitor education performance.
- Link instructional staff evaluation to student performance.

Provides for the appointment of ad hoc advisory bodies by the FBE to serve the board, Commissioner, and chancellors as needed.

Section 9. Creates s. 229.007, F.S., relating to Florida's K-20 education performance accountability system; legislative intent; mission, goals, and system-wide measures.

Provides legislative intent. The accountability system is to measure return on investment of public funds in the education system; performance of the system in educating students; performance of the sectors in promoting student achievement; and, performance of institutions in educating students as measured by student performance. The FBE recommends systemwide standards to the Legislature; the Legislature establishes system-wide measures and standards. The FBE establishes measures and standards for individual components of the system.

Provides mission, goals, and system-wide measures. The mission is to increase the proficiency of all students within the seamless system and maintain an accountability system that measures student progress toward four goals: highest student achievement; seamless articulation and maximum access; skilled workforce and economic development; and, quality efficient service. Prescribes measures for each goal.

Section 10. Creates s. 229.0072, F.S., relating to the reorganization implementation process.

Requires the Governor to appoint the members of the boards of trustees of the state universities in accordance with s. 229.008, F.S.

Requires the Governor to appoint a seven-member FBE effective July 1, 2001. The FBE is housed within and operates under the direction of the SBE.

Requires the FBE to establish procedures for implementing a system-wide technology plan. Requires a month-by-month timeline and monthly progress reports.

Prescribes duties of the FBE, subject to review and approval of the SBE:

- Adopt rules.
- Prepare a unified K-20 budget.
- Establish a work plan and timeline for orderly transition.
- Establish accountability standards for existing goals, measures, and standards, and provide for the development of mechanisms to implement new goals, standards, and measures.

- Approve plans and reports.
- Effectuate timely implementation of seamless system.
- Establish advisory boards.
- Develop and review recommendations on issues of statewide impact.
- Adopt criteria and implementation plans for future growth issues.
- Provide for cooperative agreements between public and private education sectors.
- Advise the SBE on the issuance of bonds.
- Appoint advisory bodies.
- By January 1, 2002, recommend to the Task Force, the Governor, the Commissioner, and the Legislature a new school code.
- Receive, review, and make decisions regarding charter school appeals. Such decisions are binding notwithstanding any provision of law to the contrary.

Effective July 1, 2001, requires the Commissioner of Education to:

- Work with the FBE to achieve full implementation of seamless system.
- Commence reorganization of DOE pursuant to the Act (see Section 11 of Section-by-Section analysis)
- Determine an agenda for the FBE.
- Provide the FBE and the SBE the full support of the reorganized DOE.

Section 11. Creates s. 229.0073, F.S., relating to the reorganization of the Department of Education.

Establishes the Commissioner's Education Reorganization Workgroup to direct and provide oversight for the reorganization of Florida's K – 20 Department of Education.

Members of the Workgroup include: the Commissioner of Education; the Governor or his designee; the Chancellor of the Division of Colleges & Universities; the Chancellor of the Division of Community Colleges; the Chancellor of the Division of Public schools; and the Executive Director of the Division of Independent Education.

Requires the Workgroup, to consult with the legislative members of the Education Governance Reorganization Transition Task Force.

Requires the reorganization to:

- Eliminate duplication across divisions.
- Achieve greater efficiencies in financial and human resources and education services.
- Identify functions, resources, and services that should be eliminated, transferred, or realigned.
- Include a review and assessment of all bureaus, offices, divisions, and functions of the department.
- Establish an Office of the Commissioner of Education that includes general areas of operation that are common to all sectors (such as administration, communication, legal services, financial aid, and government and public relations).
- Establish four divisions:
 1. The Division of Public Schools (K-12) – includes the state's public elementary, middle, junior high, and high schools; combination schools; charter schools; district magnet programs; and, area technical centers.

2. The Division of Community Colleges – includes the state’s 28 public community colleges.
3. The Division of Colleges and Universities – includes the state’s public universities and colleges and the four-year independent colleges and universities whose students are eligible to receive the William L. Boyd, IV, Florida resident access grants pursuant to s. 240.605, F.S. The division chancellor administers the provisions of ch. 246, F.S., as they apply to the independent colleges and universities within the division.
4. The Division of Independent Education – includes the independent education providers within the state; home education programs that meet the requirements of s. 232.0201, F.S.; private K-12 institutions as described in s. 229.808, F.S.; independent colleges and universities, except those under the Division of Colleges and Universities; and, private postsecondary career preparation and vocational training institutions.

Requires the reorganization to establish the following offices within the Office of the Commissioner of Education and prescribes the duties of each:

- Office of Technology and Information Services.
- Office of Workforce and Economic Development.
- Office of Educational Facilities and SMART Schools Clearinghouse.

Transfers the SMART Schools Clearinghouse by a type two transfer from the Department of Management Services to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education

Requires the establishment of an education leadership team, including, but not limited to, education governance officers. Specifies responsibilities of the team.

Section 12. Creates s. 229.0074, F.S., relating to the Division of Independent Education.

Prescribes the mission of the Division.

Establishes duties of the Executive Director.

Combines the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education and transfers them to a single board named the Commission for Independent Education, administratively housed within the Division. Requires the board to authorize the granting of certificates, diplomas, and degrees from independent postsecondary education institutions through exemption, registration authorization, and licensing.

Stipulates that the establishment of the Division of Independent Education is not to be construed to advance the extension or expansion of government regulation on independent or home education programs.

Section 13. Creates s. 229.008, F.S., relating to boards of trustees of the state universities.

Requires the Governor to appoint 11-member boards of trustees between July 1, 2001 and November 1, 2001. Each member must be confirmed by the Senate in regular Session. Sets forth the following provisions regarding board membership:

- A student body president must serve as an ex officio nonvoting member of the board.

- There is no state residency requirement – regional representatives must be considered as appropriate.
- Members may be reimbursed for travel and per diem.
- The Governor may remove a trustee upon recommendation of the FBE or for cause.
- Members are appointed for staggered four-year terms; may be reappointed; total service not to exceed eight years.
- The boards are established as a public body corporate.

Provides for board to select its chair. The chair serves for two years and may be asked to serve for one additional consecutive term.

Prescribes duties of the chair.

Designates the university president as executive officer and corporate secretary of the board.

Specifies duties and responsibilities of the board include the following: commence orientation, training, and board development activities; begin setting the direction for the university consistent with accountability and performance expectations of seamless system; submit to the FBE action plans and timelines for devolution of duties and responsibilities; assume responsibility for cost-effective policy decisions appropriate to university missions; implementation and maintenance of high-quality programs; measurement of performance; reporting of information; and, provision of input regarding state policy, budgeting, and education standards.

Section 14. Creates s. 229.0081, F.S., relating to powers and duties of university boards of trustees.

Vests board of trustees with authority to govern and set policy for its university in accordance with law and rules of the FBE.

Authorizes boards of trustees to adopt rules and policies relating to the following:

- Selecting and setting conditions of employment of presidents.
- Developing university strategic plans and budget requests.
- Providing for academic freedom and academic responsibility.
- Approving and terminating degree programs.
- Controlling property.
- Accepting credit cards.
- Establishing codes of conduct and penalties for violations.
- Administering university personnel programs.
- Governing admissions.

Directs boards of trustees to work collaboratively to achieve a seamless system.

Directs boards of trustees to set tuition and fees within proviso and law effective July 1, 2002.

Caps the sum of Activity and Service, Health, and Athletic fees at 40% of the matriculation fee established in law or the GAA. Limits annual increases to two percent. No university is required to reduce its fees to comply with this provision.

Directs boards of trustees to implement university facilities plan in accordance with law and guidelines of the Commissioner of Education's Office of Educational Facilities effective July 1, 2002.

Section 15. Creates s. 229.0082, F.S., relating to university presidents; powers and duties.

Designates the president as the chief executive officer of the university.

Charges the president with responsibility for the operation and administration of the university.

Prescribes duties of the president:

- Recommend rules to the board of trustees.
- Prepare budgets for approval by the trustees.
- Implement personnel policies.
- Govern admissions (pursuant to law and rule).
- Approve, execute, and administer contracts.
- Serve as custodian of university property.
- Establish the university calendar (within guidelines of the FBE)
- Administer the athletic program.
- Recommend establishment and termination of undergraduate and master's level degree programs.
- Award degrees.
- Recommend a schedule of tuition and fees to the board of trustees.
- Organize the university.
- Review operations of the university.
- Provide for student exchange programs.
- Approve internal procedures for student government organizations and provide purchasing, contracting, and budgetary review for these organizations.
- Ensure compliance with other laws, regulations, and requirements that are applicable to the university.
- Maintain data and information.
- Report on attainment of performance goals.

Section 16. Creates s. 229.0083, F.S., relating to the School Readiness Act; legislative intent; and division of responsibilities.

Restates legislative intent and stipulates legislative findings regarding *School Readiness Act of 1999*. Provides that the Florida Partnership for School Readiness shall be administratively housed in the Agency for Workforce Innovation (AWI). Reaffirms legislative intent regarding duties and scope of the partnership and provides legislative intent regarding duties and seamless education system. Requires AWI to prepare a performance funding formula for distribution and expenditure of all school readiness funds.

Section 17. Creates s. 229.008, F.S., relating to legislative findings and intent.

Provides legislative findings and intent regarding student achievement within the seamless K-20 education system.

Affirms the autonomy of private k-12 and home education programs.

Section 18. Amends s. 228.082, F.S., relating to the Florida On-Line High School.

Renames as the "Florida Virtual High School". Administratively houses the high school within the Commissioner of Education's Office of Technology and Information Services. Revises mission of

school to serve any student who meets the profile for success in technology-based education giving priority to providing students with expanded access or accelerated access. Requires performance measures based on student achievement. Requires self-sufficient delivery system that resolves issues of double funding. Requires annual reporting.

Section 19. Requires the Department of Education to maximize federal indirect cost on federal grants. Precludes expenditure of funds received from indirect cost allowance without specific appropriation by the Legislature.

Section 20. Effective June 30, 2002, repeals s. 229.8065, F.S., which relates to expenditures for Knott Data Center and Projects, Contracts, and Grants programs; limitation on state appropriations.

Section 21. Effective June 1, 2002, amends s. 229.085, F.S., which relates to custody of educational funds.

Removes an exemption from s. 216.262(1)(a), F.S., for personnel employed by projects funded by contracts and grants.

Section 22. Repeals s. 235.17 (1)(b), (c), and (d); (2); (3) (a), (c), (d), and (e); (4) and (5), F.S., relating to the SMART Schools Clearinghouse.

Section 23. Repeals s. 240.145, F.S., which relates to the Postsecondary Education Planning Commission; s. 240.147, F.S., which relates to the powers and duties of PEPC; s. 240.227, F.S., which relates to the powers and duties of university presidents; s. 240.209(2), F.S., which relates to the powers and duties of the Board of Regents with regard to the appointment of the Chancellor and compensation of BOR personnel; and, s. 240.311(4), F.S., which relates to the authority of the State Board of Community Colleges to hire an Executive Director and compensate the SBCC personnel.

Section 24. Provides an effective date of upon becoming law – except as otherwise provided in the bill.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

The Florida Education Governance Reorganization Implementation Act proposes to achieve within existing resources, true systemic change in education governance. There will be some shifting of personnel, funding, and expenditures among entities. The extent of this is indeterminate at this time.

The reorganization of the DOE must eliminate duplication; achieve greater efficiencies in financial and human resources and education services; and, identify functions, resources, and services that should be eliminated, transferred or realigned.

The changes may eventually impact the fees required of institutions and individuals to support governmental operations, such as the fees assessed independent postsecondary education institutions for licensing or the fees students pay to attend a state university. The extent of this impact cannot be determined at this time.

To the extent that student fees at public postsecondary institutions are increased, additional funding may be required to support Bright Futures awards for students attending these institutions.

The bill authorizes the state to pay for travel and per diem expenses for the 110 newly appointed members of the university boards of trustees. There is no requirement that they reside in the state nor is there a limit on the number of meetings per year. The fiscal impact of this provision is indeterminate.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require municipalities or counties to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of municipalities or counties to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the amount of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to have any constitutional issues.

B. RULE-MAKING AUTHORITY:

The administrative rules of the Board of Regents are transferred to the newly created Florida Board of Education by a type two transfer.

The administrative rules of the State Board of Community Colleges are transferred to the Florida Board of Education by a type two transfer.

The powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education are combined and transferred to a single board named the Commission for Independent Education.

Subject to review and approval by the State Board of Education, the Florida Board of Education is authorized to adopt rules to implement provisions of law conferring duties upon it. The rules must be submitted to the State Board of Education. If any rule is not disapproved by the State Board of Education within 45 days after its receipt, the rule must be filed immediately with the Department of State.

University boards of trustees are authorized to adopt rules and policies consistent with the university mission, with law, and with rules of the FBE for the following:

- Selecting the president.
- Fixing the compensation and other conditions of employment of the president.
- Conducting periodic evaluations of the president.
- Suspending or removing the president.
- Appointing a presidential search committee.
- Developing a strategic plan for the university.
- Providing for academic freedom and academic responsibility.
- Submitting an institutional budget.
- Approving and terminating degree programs up to and including the master's degree level.
- Controlling property.
- Accepting credit cards.
- Establishing codes of conduct.
- Administering the personnel program.
- Governing admissions.
- Ensuring compliance with federal laws, regulations, and requirements.

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 28, 2001, the Committee on Colleges and Universities unanimously adopted HB 1533 as a Committee Substitute. The committee substitute reflects a number of clarifying and technical amendments. In addition, CS/HB 1533:

- Establishes a high-level workgroup to oversee the reorganization of DOE;
- Requires the State Board of Education to act immediately to resolve any dispute regarding any implementation activity determined by a majority vote of the Governance Reorganization Transition Task Force to be inconsistent with the intent of this act.

- Transfers the SMART Schools Clearinghouse from the Department of Management Services to the Department of Education by a type two transfer and merges it with the Office of Education Facilities.
- Requires members of university boards of trustees to be confirmed by the Senate.
- Shortens the term of the chairmanship for university boards of trustees from four years to two years.
- Caps the aggregate sum of the Activity and Service, Health, and Athletic fees for state universities at 40% of matriculation with annual increases capped at two percent. (No university would be required to reduce its current fees to comply with this provision.)
- Requires DOE to submit a Legislative Budget Request for the Knott Data Center and the Project, Contract, and Grants budget entities and limits the number of positions funded through the Projects, Contracts, and Grants Trust Funds to the total provided in the appropriations acts.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Staff Director:

Betty H. Tilton, Ph.D.

Betty H. Tilton, Ph.D.

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Staff Director:

Robert Cox

John Newman