



The Florida Senate

Interim Project Report 2001-011

November 2000

Committee on Education

Senator Anna Cowin, Chairman

REORGANIZATION OF EDUCATION GOVERNANCE

SUMMARY

The Senate Education Committee's interim project on the Reorganization of Education Governance is a two-year exercise designed to monitor the process of restructuring Florida's public education governance system as required by the 1998 amendment to Article IX, Section 2 of the State Constitution. The amendment requires the elected State Board of Education and the elected Commissioner of Education to be replaced by a board appointed by the Governor that will, in turn, appoint a commissioner of education. The changes are to go into effect January 7, 2003.

The Commissioner of Education created a Blue Ribbon Committee on Education Governance to provide the Legislature with recommended governance changes. The committee's recommendations, and the subsequent Florida Education Governance Reorganization Act of 2000 (Ch. 2000-321, L.O.F.), create a seamless, kindergarten through graduate school system of public education that focuses control for day-to-day operation at the local level and limits the state to administrative and support activities. The act repeals most state level education boards and commissions and the laws that provide their administrative powers; however, the most controversial change eliminates the State University System Board of Regents and replaces it with boards of trustees for each of the state's 10 public universities.

The Governance Reorganization Act also created the Education Governance Reorganization Transition Task Force to provide recommendations to the Legislature for a smooth transition to the new governance structure. The task force charge covers a two-year span. The committee interim project

activities will include monitoring the work of the task force and suggesting changes in substantive law to accommodate the task force recommendations.

BACKGROUND

In November 1998, Florida voters approved changes in the State Constitution to mandate a new public education governance system led by an appointed, rather than elected, State Board of Education and Commissioner of Education. The amended section reads as follows:

Section 2. State board of education.-The state board of education shall be a body corporate and have such supervision of free public education as provided by law. The state board of education shall consist of seven members appointed by the governor to staggered 4-year terms, subject to confirmation by the senate. The state board of education shall appoint the commissioner of education.¹

January 7, 2003, is the date specified in the Constitution for the new system to go into effect.

Very shortly after the passage of the amendment the state's education community began to churn with speculation and opinion regarding the pending changes. The Commissioner of Education took the initiative of providing a forum for the discussion by appointing a Blue Ribbon Committee on Education Governance. Thirty-five leaders from education, business, and local communities were selected by the commissioner to develop and recommend to the Legislature a new education governance system. The committee held the first of its five meetings on September 27 and 28, 1999, in

¹ Article IX, Section 2 of the State Constitution

Tallahassee. Two of the subsequent meetings were held in Tallahassee, one was held in Tampa, and one in Boca Raton. Each meeting agenda provided time for public testimony and comment.

The Blue Ribbon Committee made its final recommendations in February 2000. The majority recommendation grants full supervisory authority for all sectors of public education to the new, appointed state board of education. The appointed commissioner of education functions as the chief executive officer of the system. Rationale for the recommendation envisions a seamless education system with each of the sectors supporting one another. The proposal is based on the principles of establishing direct access to the new state board and local control for school districts, colleges, and universities; and confining the board's activities to state level issues, not the management of local institutions and school systems.

The most significant structural changes contained in the recommendation include replacing the Board of Regents and the State Board of Community Colleges with departmental divisions for community colleges and state universities, creating a local board of trustees for each of the 10 state universities, and creating a division to advise the commissioner on the coordination of non-public education.

The committee report also contains a minority recommendation that would limit the responsibility of the new state board of education to kindergarten through grade 12 issues, leave the governance structures of the community colleges and state universities intact, create a state level entity to oversee non-public education, and create an overarching state board for the planning and coordination of all levels of education within the state. Those interested in the full recommendations may access the committee's website at: www.firn.edu/doe/edgovernance/bribbon.html

The 2000 Legislature passed HB 2263, the Florida Education Governance Reorganization Act of 2000 (Chapter 2000-321, Laws of Florida), to codify the changes made by Amendment No. 8 to the State Constitution. The new law follows the constitutional directive and generally embraces the

majority recommendations of the Blue Ribbon Committee on Education Governance. A Florida Board of Education is created consisting of seven citizen members appointed by the Governor to oversee education in the state and appoint a Commissioner of Education. Organizationally, the Florida Board of Education and the Commissioner of Education are to establish and operate an Office of the Board of Education consisting of subunits for state universities, community colleges, and public schools, each to be headed by a chancellor; and a unit for nonpublic and nontraditional schools to be headed by an executive director. The law also: provides for institutional boards of trustees for the 10 state universities, repeals all state level education boards and commissions and transfers their powers and duties to the Florida Board of Education, and repeals several chapters and sections of the existing School Code that create the current organizational and administrative structure of the state's education system. All of these changes are to take effect January 7, 2003 to coincide with the constitutional date for the Florida Board of Education to assume authority.

In order to assure a smooth transition to the new system, The Reorganization Act created the Education Governance Reorganization Transition Task Force. The task force, composed of 11 members appointed by the Governor, President of the Senate, and Speaker of the House of Representatives, and housed in the Governor's Office of Planning and Budgeting, is charged with the responsibility for making a series of recommendations to the Legislature over the next two years for statutory changes that will implement the new education system. The first set of recommendations is scheduled to be presented to the Legislature by March 1, 2001, and must address the following topics as specified in the Reorganization Act:

1. How best to achieve education system integration.
2. How best to achieve economies in education services, including recommendations concerning consolidation of information systems and integrated

- performance and financial accounting systems, while maximizing effectiveness within existing resources and staff.
3. Which, if any, current education staff functions and resources should be eliminated, transferred, or realigned within the proposed new education organizational structure.
 4. Whether an Office of Policy Research should be established to explore emerging issues, locate successful and innovative educational programs, and make recommendations to the Governor, the Florida Board of Education, and the Legislature and, if so, its mission, staffing, and location.
 5. The optimal mission of the Florida On-Line High School and a methodology for the operation and funding of the school to achieve that mission.
 6. The optimal location and structure of the Florida Partnership for School Readiness.

Persons interested in obtaining more information about the transition task force, including a membership list and a schedule of meeting dates and sites, may access the task force website using the following procedure:

1. log on to www.myflorida.com
2. Click GET INFORMATION
3. Click EDUCATION
4. Click EDUCATION GOVERNANCE REORGANIZATION TRANSITION TASK FORCE

The Legislature's statutorily assigned role in the transition process, in addition to receiving task force recommendations, will be to conduct the required reviews of current laws that describe the structure and powers and duties of the present education governance system prior to their scheduled repeal date of January 7, 2003.

METHODOLOGY

The Senate Education Committee's interim project on the Reorganization of Education Governance will cover a two-year span with completion scheduled to be prior to the 2002

Legislative Session. The primary objective of the project's first year has been to develop and initiate a work plan to identify and begin reviews of those portions of the School Code scheduled for repeal on January 7, 2003; identify other chapters and sections of the code that may be subject to modification in order to accommodate governance changes; and design a process for receiving and reviewing Education Governance Reorganization Transition Task Force recommendations.

Ancillary project activities have included monitoring the organization and work of the transition task force, reviewing current literature on public governance structure and change, and interviewing persons from other states and from national organizations regarding the reorganization of public governance structures in general and education in particular.

During the next year the Education Committee staff will continue to monitor the activities of the Education Governance Reorganization Transition Task Force. Periodic reports of project progress will be provided to the Office of the Senate President and to the chairman and members of the Education Committee.

Throughout the project the Education Committee staff has enjoyed a cooperative working relationship with staff from the Reorganization Transition Task Force and the Senate Committees on Budget, Fiscal Policy, and Governmental Oversight and Productivity. The support and assistance is much appreciated and every effort will be made to continue the relationships.

FINDINGS

The following paragraphs highlight some of the major findings from the first year of the project on the Reorganization of Education Governance.

Florida's initiative to totally change the structure of state education governance to create a seamless education system, kindergarten through graduate school, is without a modern precedent. A review of the literature indicates that many states have restructured the governance of a portion of their education systems, usually at the postsecondary level, but none have created a new state board to oversee a comprehensive and

coordinated system encompassing all education levels. The literature also reveals there is no recognized “perfect” governance model to serve as a guide for the state’s effort. The nation will be watching as Florida assumes the role of vanguard in the movement to restructure public education governance.

Several of the early project findings underline the enormity of the technical task of completely restructuring the state’s public education governance structure. For example, a committee staff search of the School Code revealed more than 260 cites for the term “state board of education.” It is possible that each of the references will have to be reviewed for amendment because of the change from an elected to an appointed state board, and also to determine if the reference is affected by recommendations of the Education Governance Reorganization Transition Task Force. The same type of activity will take place for countless additional terms, titles, and policies as the newly designed governance structure is codified for implementation.

There appears to be a natural order or hierarchy of decisions that need to be made in the governance restructuring process. First is developing a description of the organization of the system. The Commissioner’s Blue Ribbon Committee and the Florida Education Governance Reorganization Act of 2000 both describe a structure headed by a state board with a commissioner as the chief executive officer. The board and commissioner create an office of the board that will consist of subunits for universities, community colleges, public schools, and nonpublic and nontraditional education. The subunits will operate in an administrative support capacity for universities, community colleges, and school districts, each of which will be headed by local

governing boards. Once the organizational structure has been determined, decisions can be made about the major functions the system must provide, and subsequent decisions can be made about assigning responsibility for the functions. The Education Governance Reorganization Transition Task Force is currently engaged in this type of decision-making process, and the group’s results will form the basis for its recommendations to the Legislature.

RECOMMENDATIONS

It would be premature for this interim project report to recommend policy changes regarding the restructuring of public education governance until the Education Governance Reorganization Transition Task Force has made its recommendations to the Legislature. Recommendations can be made, however, about the technical aspects of the reorganization/restructuring process:

1. The size and complexity of the education governance-restructuring process make it imperative that all parties charged with responsibility for the effort work together to avoid duplication and to maximize effectiveness.
2. The Education Committee staff must continue to monitor the activities of the Governance Transition Task Force.
3. The committee staff must monitor the activities of the Public School Funding Task Force to become aware of changes that may affect the governance restructuring effort.
4. The committee staff must develop an effective way of identifying and reviewing possible statutory changes that may be necessary to implement governance-restructuring recommendations.

COMMITTEE(S) INVOLVED IN REPORT *(Contact first committee for more information.)*

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MEMBER OVERSIGHT

Senators Horne and Sullivan