

The Constitution Revision Commission
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION
Commissioner Johnson, Chair
Commissioner Washington, Vice Chair

MEETING DATE: Thursday, December 14, 2017
TIME: 8:30 a.m.—12:00 noon
PLACE: 110 Senate Office Building, Tallahassee, Florida

MEMBERS: Commissioner Johnson, Chair; Commissioner Washington, Vice Chair; Commissioners Donalds, Grady, Jordan, Keiser, Levesque, Sprowls, and Stewart

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on Charter School Authorizers by Florida Department of Education		Presented
2	Presentation on Charter School Authorizers by Florida Consortium of Public Charter Schools		Presented
3	Presentation on School Start Dates by Florida Department of Education		Presented
4	Presentation on High-Performing Districts		Presented
5	Presentation on Fee Waivers		Presented
6	Presentation on Financial Aid		Presented
7	Presentation on Mission/Intent of Public Education		Presented
8	Presentation on Students with Unique Abilities		Not Considered



Charter School Authorizing

December 14, 2017

Florida Constitution Revision Commission

Presented by: Adam Miller, Executive Director
Office of Independent Education and Parental Choice
Florida Department of Education

What is a Charter School Authorizer?

- Authorizers are organizations that provide charter school oversight. They generally grant or deny charters, monitor existing charter schools, evaluate charter school performance and, when necessary, revoke charters. Authorizing organizations vary by state and most states have multiple authorizers. Common authorizers include local school boards, state chartering boards and higher education institutions. (Education Commission of the States, 2017)

Typical Authorizer Functions

Authorizers Do:

- Approve Charter Applications
- Monitor Academic Performance
- Monitor Revenues and Expenditures
- Hold Schools Accountable for Performance

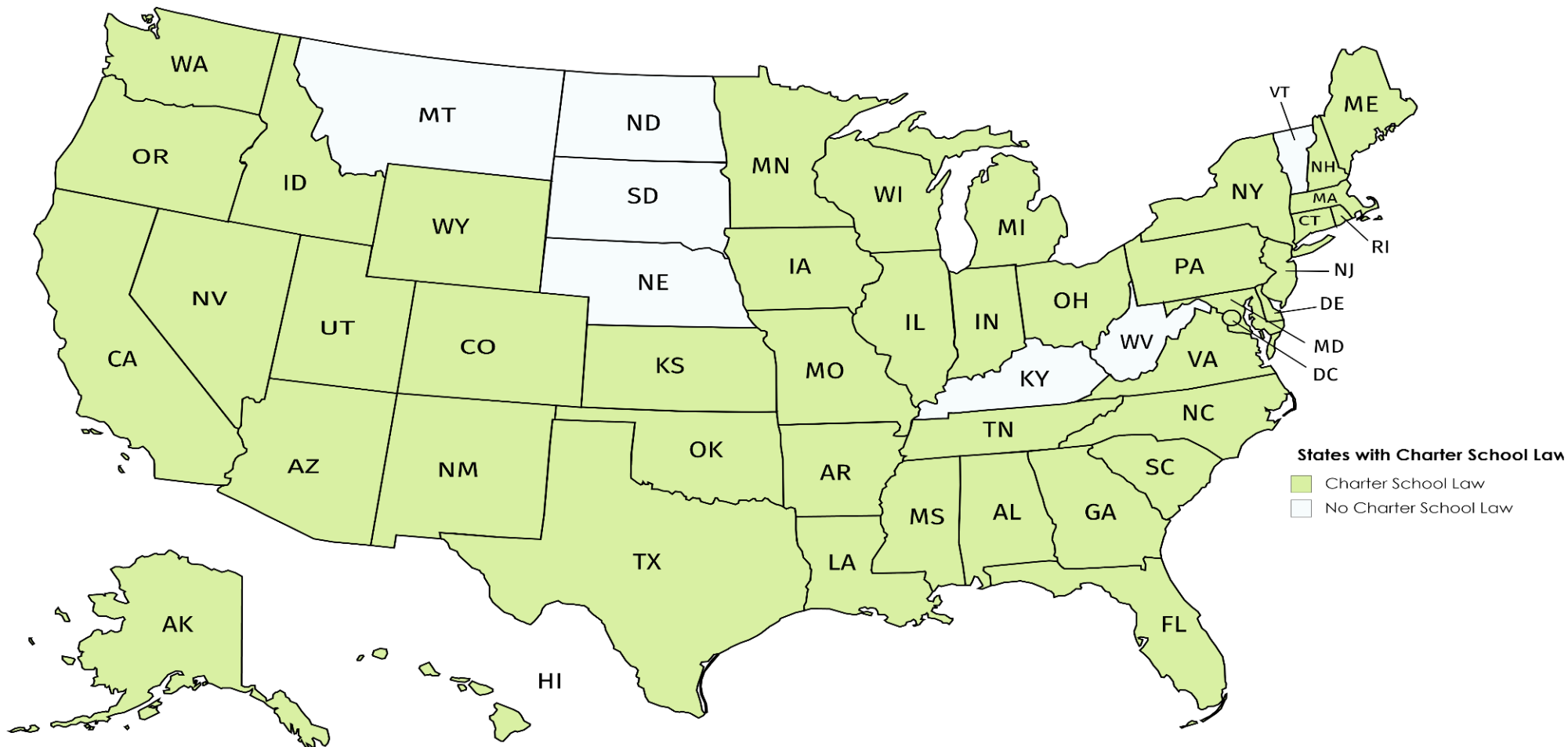
Authorizers Don't:

- Hire School Staff
- Direct Instruction or Intervention
- Set School Budgets
- Handle Parent Complaints

Number of Charter School Authorizers by Type

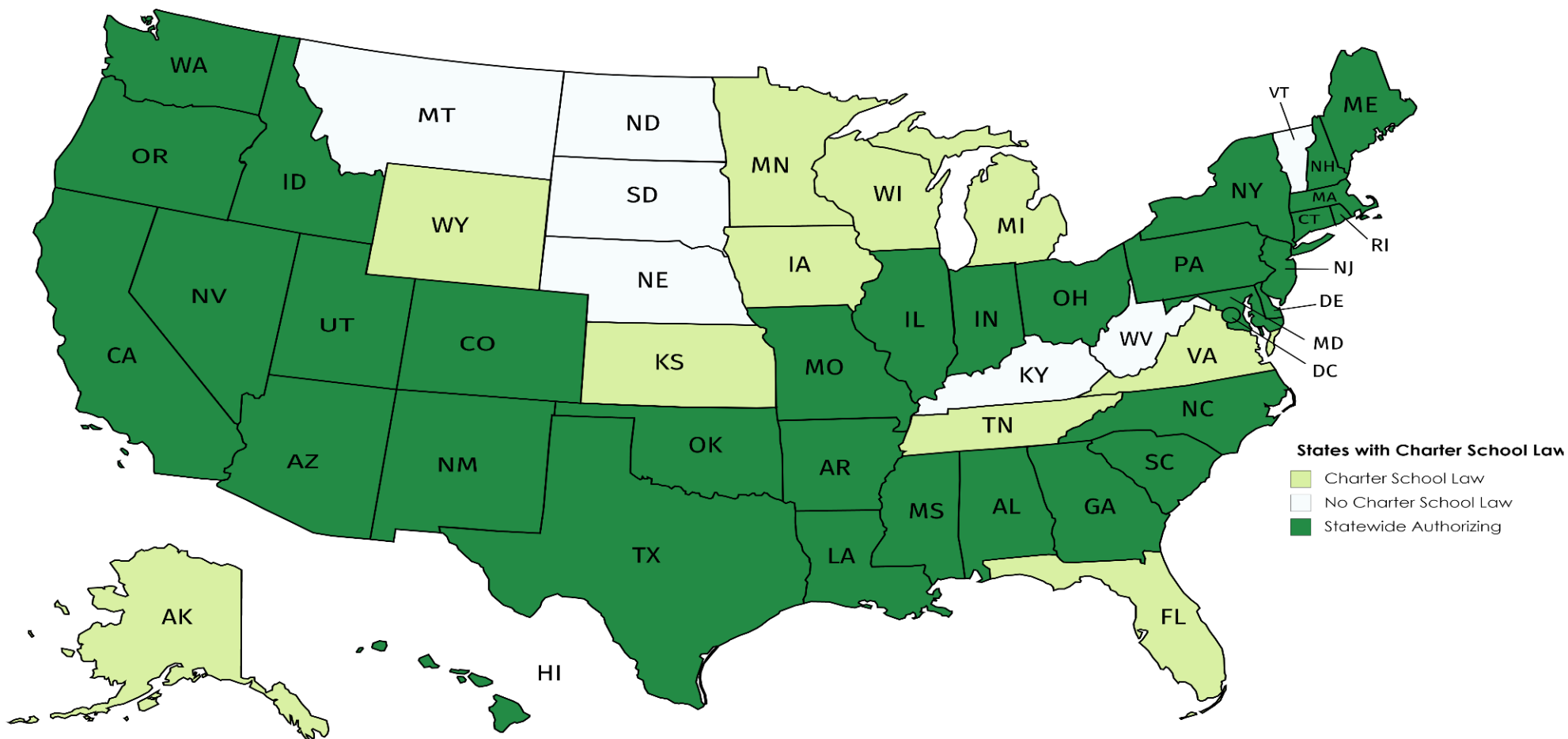
*2016 State of Charter School Authorizing: National Association of Charter School Authorizers (NACSA)

Authorizer Type	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% Change
Higher Education Institution (HEI)	49	46	43	47	45	47	-4%
Independent Chartering Board (ICB)	8	10	14	15	17	18	125%
School District (LEA)	857	859	882	944	950	909	6%
Non-Educational Government Entity (NEG)	2	2	3	3	3	3	50%
Nonprofit Organization (NFP)	20	20	19	19	17	18	-10%
State Education Agency (SEA)	19	20	18	18	18	20	5%
Total	955	957	979	1046	1050	1015	6%



National Alliance for Public Charter Schools, 2017

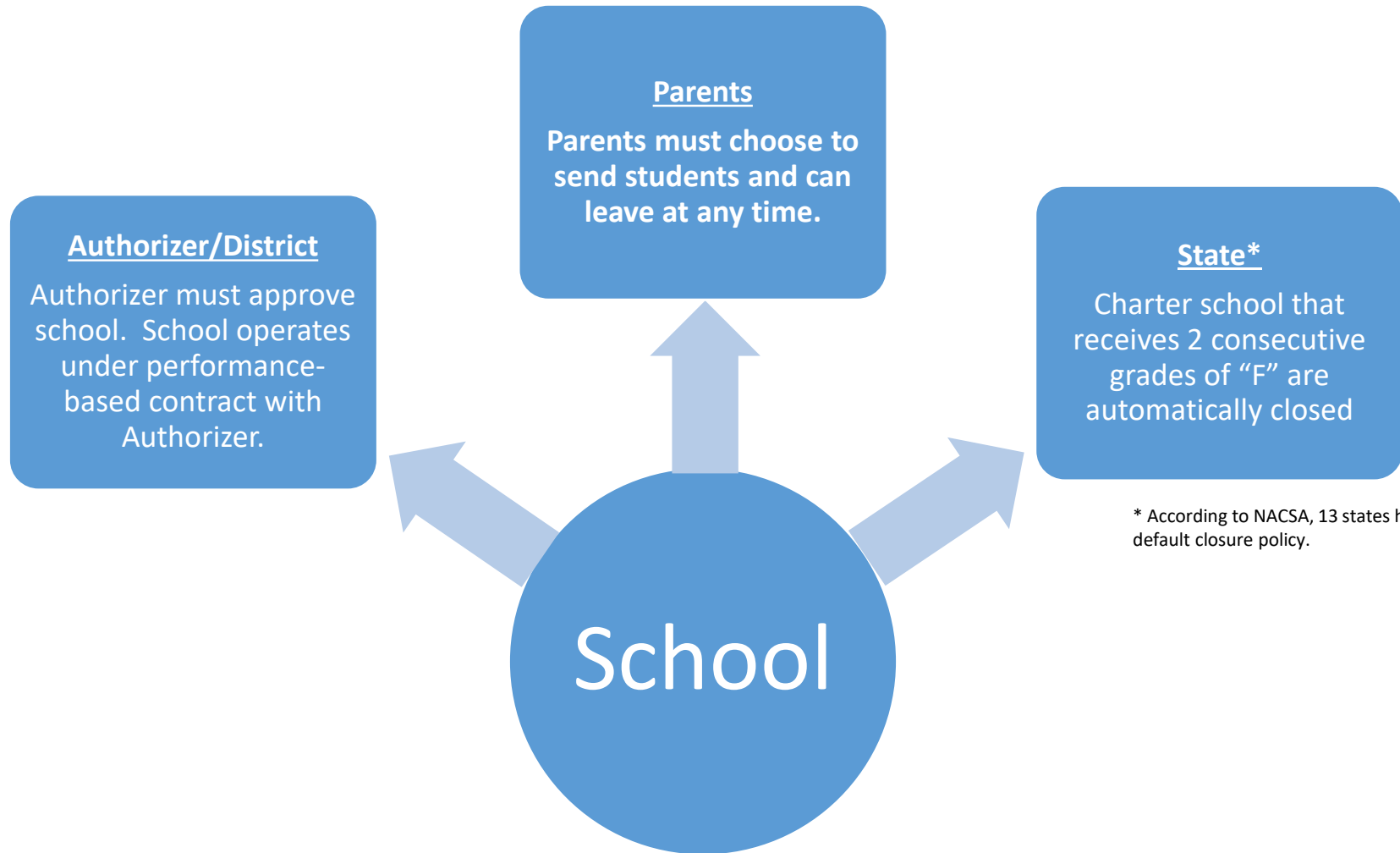
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Education Commission of the States, 2016

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Multi-Layered Accountability



* According to NACSA, 13 states have a default closure policy.

Charter School Authorizing Process in Florida

Applications

Application Review
Applicant Interview
Due Diligence
Approve/Deny

Contract Negotiations

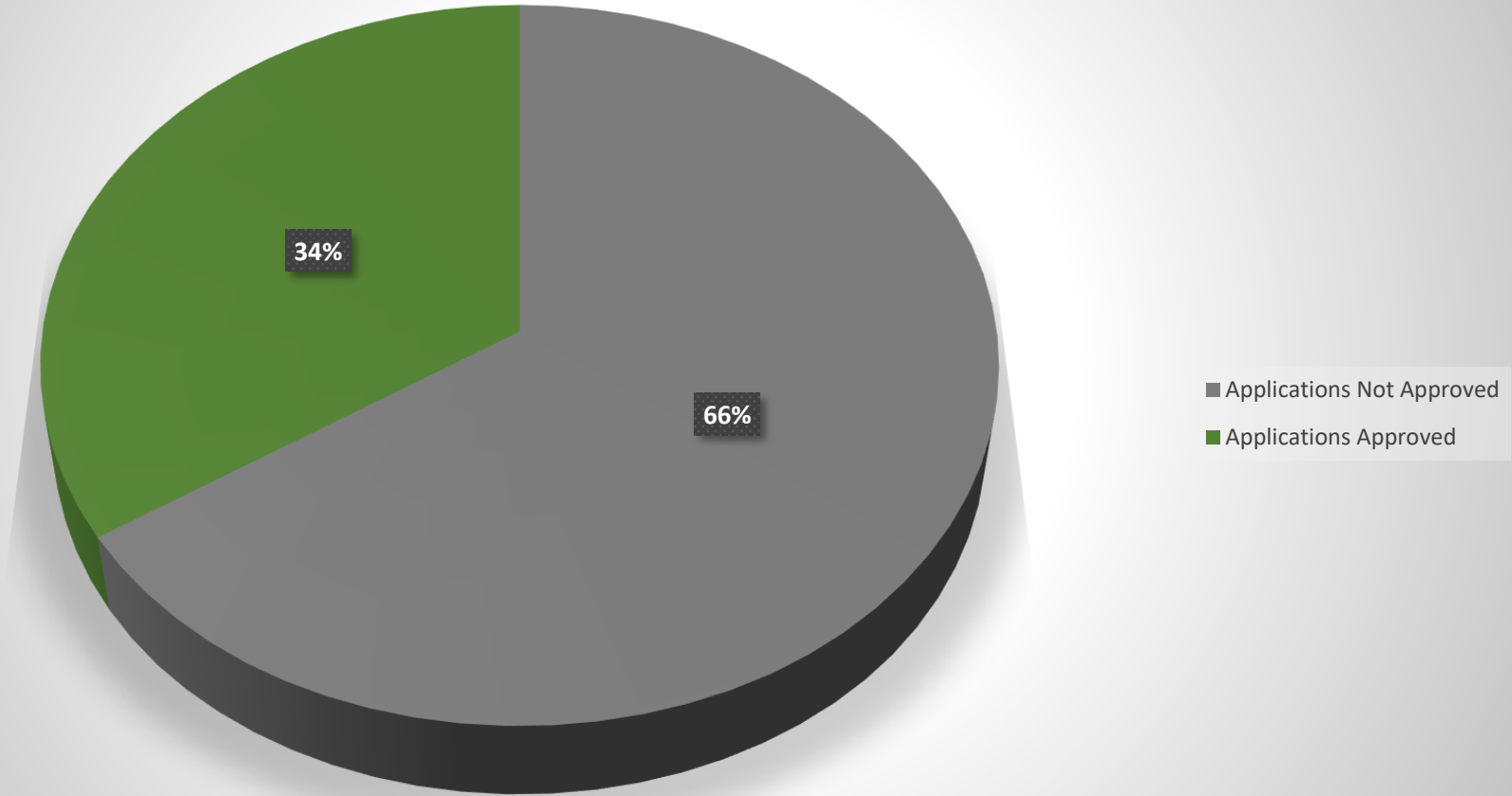
Academic Expectations
Renewal/Non Renewal
Terms
Financial Accountability

Monitoring and Oversight

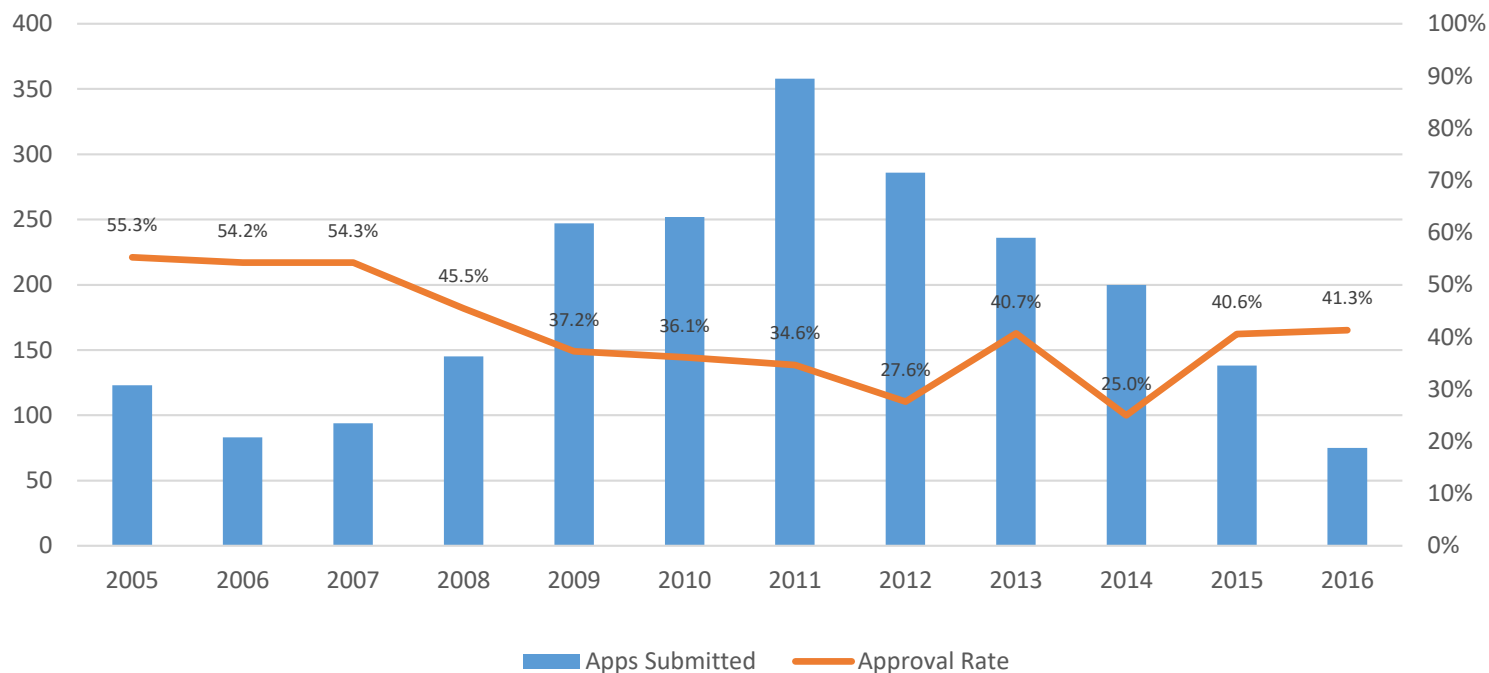
Academic, Financial,
Operational Performance
Compliance
Renewal/Closure Decisions

5-Year Charter School Application Approval Rate: 2012-2016

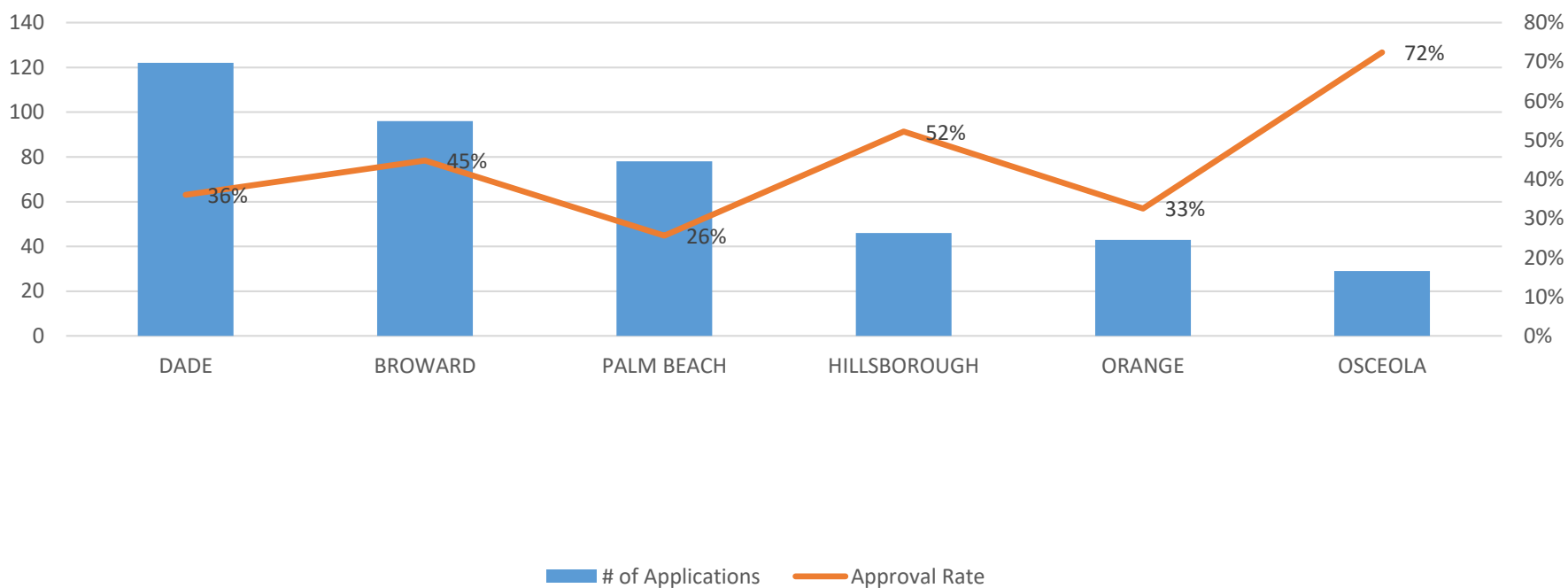
Applications Approved/Not Approved by Districts



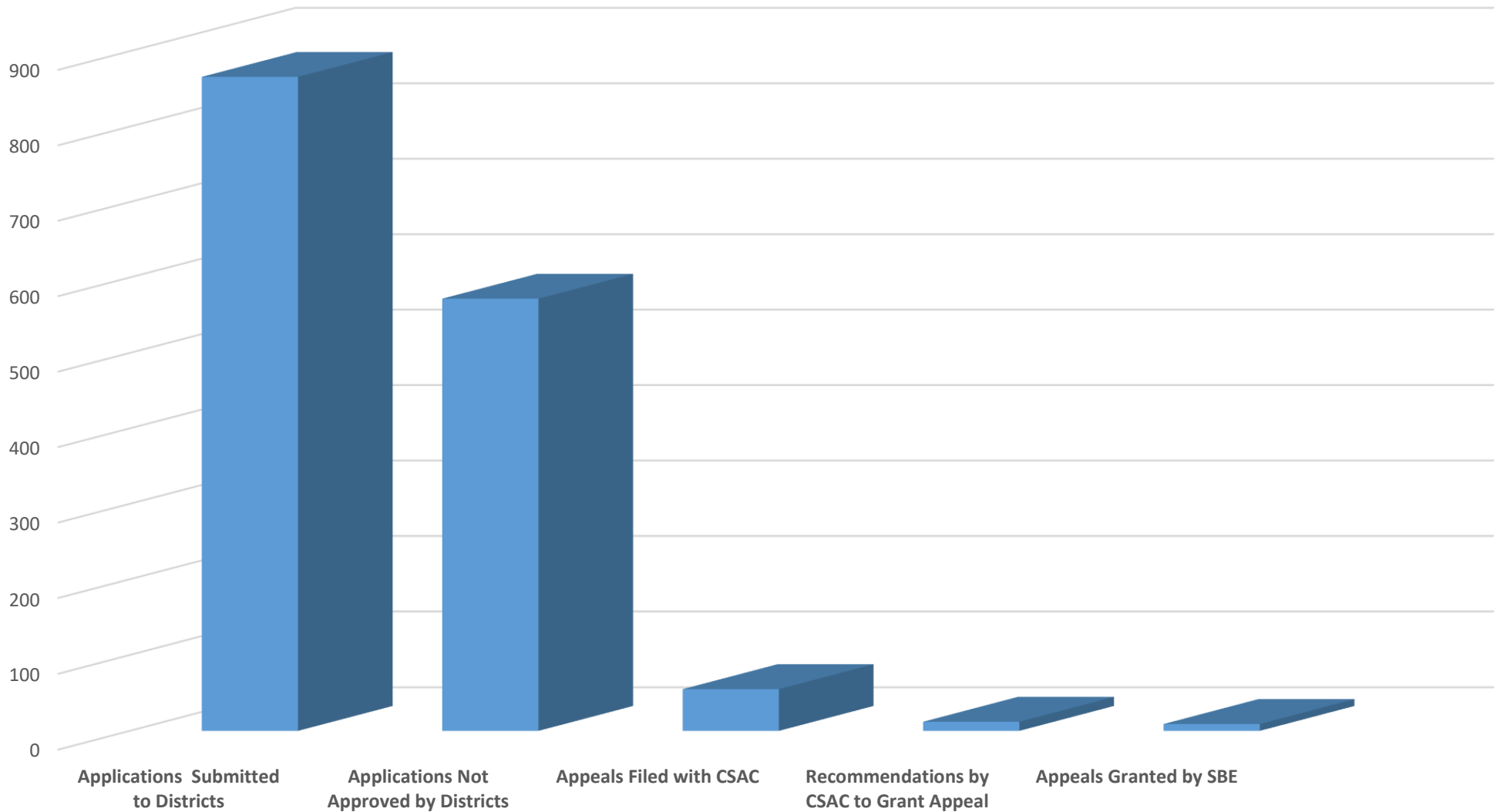
History of Application Approval Rate



District Charter Application Activity: 2013-2016



5 Years of Applications and Appeals: 2012-2016



Charter School Authorizing Process in Florida

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Academic Expectations
Renewal/Non Renewal
Terms
Financial Accountability

Monitoring and Oversight

Academic, Financial,
Operational Performance
Compliance
Renewal/Closure Decisions

Standard Charter School Contract

- Department developed standard charter contract
- Authorized in 2013
- Developed in two stages
 - Draft to Legislature November 1, 2013
 - Rule adopted November 2014
 - Rule making initiated at conclusion of 2014 session
 - Six rule development workshops
- May be amended by parties
 - Standard contract must be starting point for negotiations

Charter Contract Requirements

Section 1002.33(7), Florida Statutes

- Contract must include academic performance expectations
 - The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:
 - How the baseline student academic achievement levels and prior rates of academic progress will be established.
 - How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.
 - To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.
- Financial, operational and administrative expectations
- Term of the charter which shall provide for the closure of the school if insufficient progress has been made in attaining student achievement objectives

Charter School Authorizing Process in Florida

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Renewal/Non Renewal
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Financial Accountability

Monitoring and Oversight

Academic, Financial,
Operational Performance
Compliance
Renewal/Closure Decisions

Reporting Requirements in Law

- Monthly financial statement that contains balance sheet and statement of revenues, expenditures and changes in fund balance
- Annual audit
- Annual program cost report
- Annual progress report
 - Student achievement data
 - Financial status
 - Documentation of current facilities in use
 - Descriptive information about personnel, including salaries and benefits

Florida Principles and Standards for Quality Charter School Authorizing

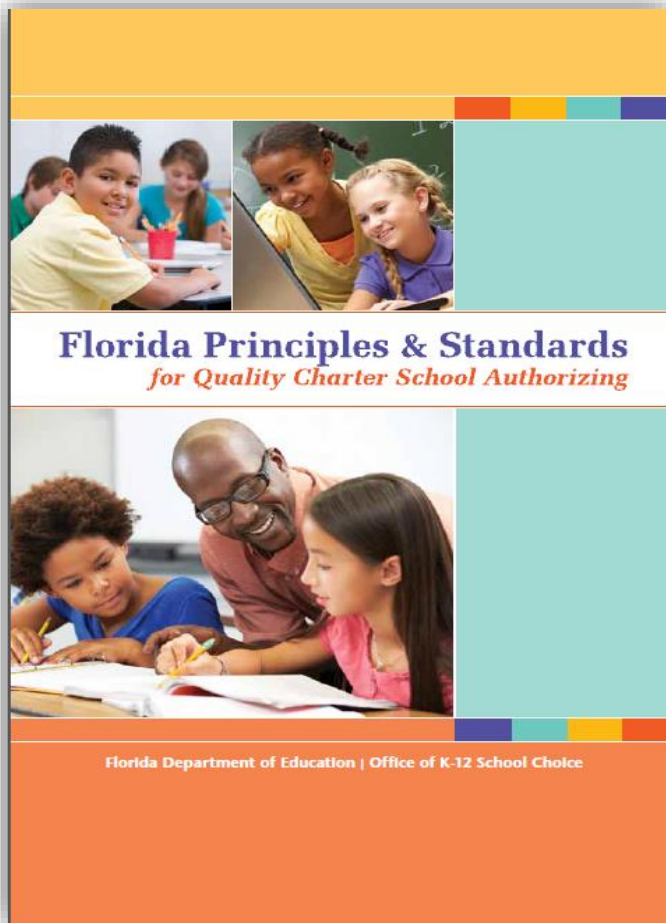


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FLORIDA PRINCIPLES and STANDARDS for Quality Charter School Authorizing | 1

Florida Principles and Standards for Quality Charter School Authorizing

- Voluntary
- Best practices in charter authorizing drawn from the National Association of Charter School Authorizers
- Standards developed by a workgroup of authorizers, operators, management organizations, charter support groups, and FDOE
- Based on three core principles
 - Maintain high standards for schools
 - Uphold school autonomy
 - Protect student and public interests



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CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

Meeting Date _____

Proposal Number (if applicable) _____

*Topic CHARTER AUTHORIZING

Amendment Barcode (if applicable) _____

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*Speaking: For Against Information Only

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Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**



FLORIDA CONSORTIUM *of*
PUBLIC CHARTER SCHOOLS

Florida's Charter Support Organization Since 1999

The Need for an Alternate Authorizer for Charter Schools in Florida

Florida Consortium of Public Charter Schools

PRESENTERS:

Mrs. Ruth Lynch

Director of Grassroots Advocacy for FCPCS

Dr. Bill Jones

Principal at Manatee School for the Arts

Mr. Andrew Kinlock

Principal at Academic Solutions Academy (Broward)

THE FACTS ABOUT FLORIDA CHARTER SCHOOLS

Florida Charter Schools By the Numbers - 2017

654	282,924	46	1996	10%
Schools Operating	Students Enrolled	Florida Counties where charter schools operate	The year the first charter school opened in Miami	Percentage of Florida's public school students attending charter schools

ABOUT THE FLORIDA CONSORTIUM OF PUBLIC CHARTER SCHOOLS (FCPCS)

FCPCS, founded in 1999, is the **voice** of the charter school movement in Florida.

The organization has over 500 charter school members and is one of the oldest and largest charter school membership associations in the nation.

FCPCS promotes the establishment and operation of high quality public charter schools throughout the state

FCPCS PROVIDES TO ITS MEMBERS:

- Support, resources, and networking opportunities to new and existing charter schools, parents and students.
- Low cost, quality online professional development
- An approved Teacher/Principal Evaluation Tool
- Access to low cost products and services through its Preferred Partners Program.
- A simple-to-use salary calculation system that complies with the requirements of Florida Law.

Alternate Florida Charter School Authorizer

Currently, the Florida Constitution and state law permit only local school districts and, in very limited circumstances, Higher Education Institutions to authorize charter schools

Unlike Florida, many states around the country allow for multiple charter school authorizers in addition to local school districts

National charter school organizations, such as the National Association of Charter School Authorizers and the National Alliance for Public Charter Schools favor having multiple charter school authorizers

The National Alliance for Public Charter Schools on Multiple Charter School Authorizers

In its 2017 Publication – A Model Law for Supporting the Growth of High-Quality Charter Schools— the National Alliance states:

Authorizers

“To clarify the intent of allowing multiple authorizers in a state, the model law now states that the intent of the “Eligible Authorizing Entities” section is to create at least two active and effective authorizing options for each charter school applicant, but not a large number of authorizers with authority in any single school district.”

Creating Choice in Authorizers: Multiple Ways to Create Multiple Authorizers

*“A well-designed charter school law must allow two active and effective authorizing options so that all charter applicants have the opportunity to seek approval from a conscientious and well-motivated authorizer. **Having just one option is bad if it involves only a school board half-heartedly interested in the process.**”*

The National Association of Charter School Authorizers (NACSA) on Multiple Charter School Authorizers

In its 2009 Policy Guide on Multiple Charter Authorizing Options, NACSA said:

How will maintaining a range of authorizer options impact the quality of charter schools and uphold high authorizing standards?

*“In states with only one type of authorizer, be it a school district, state education agency or independent chartering board, there is a risk that the one authorizer will accumulate undesirable and unchecked behaviors over time. Its application process may become too cumbersome. A change in leadership may lead to biased decisions. Monitoring systems may become too bureaucratic. **The existence of multiple authorizers provides for a check and balance on these types of undesirable behaviors.**”*

The National Association of Charter School Authorizers (NACSA) on Multiple Charter School Authorizers

What are the drawbacks of allowing only districts to authorize charter schools?

“State policies that empower only the local school district to authorize charter schools are problematic for a number of reasons.

- First, they may place chartering responsibilities solely in the hands of districts that do not wish to be authorizers. While some districts embrace the role of authorizing charter schools, others view it as a burden. Authorizing is hard work, and doing it well requires attentiveness, commitment and the dedication of sufficient resources, all of which tend to be lacking in an involuntary authorizer.*
- Second, many districts simply are not interested in approving charter schools that will compete for students and funds.*
- Third, district-only authorizing environments preclude applicants from choosing an authorizer with a chartering approach and oversight style aligned with their school’s needs”*

Why we need alternate authorizers in Florida

- The primary reason we need multiple authorizers is that many districts are simply not interested in approving charter schools that will force them to compete for students and funds.
- Some districts view the role of charter school authorizer as a burdensome task.
- Non-traditional authorizers can focus on overseeing a relatively small number of schools, while traditional authorizers have oversight obligations for many schools and must divide their time, efforts, and resources among them.
- A diversity of authorizers can promote professional practices among authorizers and provide checks and balances in charter approval, oversight and renewal decisions.
- Having a diversity of authorizers will give charter schools the option of choosing an authorizer with a chartering approach and oversight style that is aligned with their particular schools.
- Having multiple authorizers in Florida will lead to the creation of additional charter schools, resulting in greater competition among schools, which leads to an increase in the quality of ALL schools—both traditional public schools and charter schools.

CONCLUSION

Given the experience of its member schools with a single authorizer in Florida, the Florida Consortium of Public Charter Schools supports an amendment to the Florida Constitution that would permit alternate charter schools authorizers in the state.



CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

12/14/17

Meeting Date

Proposal Number (if applicable)

*Topic

Alternative Authorizer - Charter Schools

Amendment Barcode (if applicable)

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Information Only

Waive Speaking:

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Are you representing someone other than yourself?

Yes

No

If yes, who?

THE Florida Consortium of Public Charter Schools

Are you a registered lobbyist?

Yes

No

Are you an elected official or judge?

Yes

No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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*Required

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APPEARANCE RECORD

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12/14/2017

Meeting Date

Proposal Number (if applicable)

*Topic Alternative Authorizes Charter Schools

Amendment Barcode (if applicable)

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Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

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APPEARANCE RECORD
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Meeting Date _____

Proposal Number (if applicable) _____

*Topic Attended Outreach

Amendment Barcode (if applicable) _____

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Are you representing someone other than yourself? Yes No

If yes, who? The Florida Coalition of Public Charter Schools

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

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School Start Date

Jacob Oliva, Vice Chancellor, Division of Public Schools

December 14, 2017



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History

- Since 2015, section 1001.42(4)(f), F.S., requires district school boards to “Adopt policies for the opening and closing of schools and fix uniform dates; however, the opening date for schools in the district may not be earlier than August 10 of each year.”
- From 2006-2014, the law read, “however, beginning with the 2007-2008 school year, the opening date for schools in the district may not be earlier than 14 days before Labor Day each year.”

2017-18 District Calendars

- Student start dates ranged from August 10 to August 28.
- Student finish dates range from May 22 to June 7.

Current School District Considerations for Calendar Development

- Designing instructional calendar to finish first semester before holiday break.
- Alignment with college and university schedules.
- Finishing the school year before Memorial Day.
- Maximum preparation time for national assessments (AP, IB, AICE).
- Flexibility for emergency makeup days.
- Uniform statewide pre-planning time.
- Impact on school choice options.
- High mobility rates and students/teachers coming from other states that may start earlier or later.
- Family vacation plans and tourism industry.

School District Calendar Development Example

- Advanced planning.
- Public input process.
- Board approval at a noticed meeting with opportunity for public comment.

Considerations for School Start Date in Constitution

- Loss of local control.
- Loss of flexibility for annual change via legislative process.
- Lessen opportunity for citizen, parent, teacher input.



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CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

12/14/2017

Meeting Date

Proposal Number (if applicable)

*Topic Educational Autonomy / School Start Date

Amendment Barcode (if applicable)

*Name Jacob Oliva

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Are you representing someone other than yourself? Yes No

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Educational Autonomy Programs

Jacob Oliva, Vice Chancellor, Division of Public Schools

December 14, 2017



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Academically High-Performing School Districts

- In 2007, section 1003.621, F.S., was enacted to create this program.
- Criteria: “A” district grade for 2 consecutive years, no “F” schools, class size compliance, no financial audit issues.
- Seven districts currently designated: Citrus, Gilchrist, Nassau, Okaloosa, St. Johns, Santa Rosa, Sarasota.

Academically High-Performing School Districts

- Exempt from chapters 1000-1013, with exceptions (see next slide).
- Examples of what districts have waived include:
 - school start date (now expressly prohibited)
 - written notification to parents in a Level 1 course
 - 135 hours of seat time
 - using a district school improvement plan template
 - controlled open enrollment
- No exemptions exercised since 2014-15.

Academically High-Performing School Districts and Charter Schools May Not Waive Statutes Relating To:

- Services to students with disabilities
- Civil rights and discrimination
- Student health, safety, and welfare
- Student assessment program and the school grading system
- Personnel evaluation

Additionally, Academically High-Performing School Districts May Not Waive Statutes Relating To:

- Election or compensation of district school board members
- Financial matters, planning and budgeting
- Educational facilities
- Instructional materials
- School start date
- Compensation and salary schedules

Other Programs

- Schools of Excellence (s. 1003.631, F.S.)
- Principal Autonomy Pilot Program Initiative (s. 1011.6202, F.S.)
- District Innovation Schools of Technology (s. 1002.451, F.S.)



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Proposal Number (if applicable)

*Topic Educational Autonomy / School Start Date

Amendment Barcode (if applicable)

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State University System of Florida

Constitution Revision Commission Education Committee

Tim Jones
Vice Chancellor, Finance and Administration

December 14, 2017
www.flbog.edu



Financial Aid

- **Bright Futures Scholarship Program** – (Section 1009.53, F.S.) a lottery-funded program to reward any Florida high school graduate who merits recognition of high academic achievement and who enrolls in a degree program, certificate program, or applied technology program at an eligible Florida public or private postsecondary education institution within 3 years of graduation from high school.
- **Federal Pell Grants** – need-based aid awarded to undergraduate students
- **Institutional Financial Aid** – need-based and merit-based financial aid distributed upon the discretion of the university
- **Florida Public Student Assistance Grant Program** – awarded for the amount of demonstrated unmet need to degree-seeking students who enroll in at least 6 semester hours



Mandatory Waivers/Exemptions

Mandatory Waivers and Exemptions are listed in Chapters 112, 961 and 1009, F.S.

- Active Duty Military
- C.W. Bill Young Veteran Tuition
- DCF – Adopted
- DCF – Child Welfare Personnel
- DCF – Foster Care/State Custody
- DCF – Non-State Custody
- Dependent of Deceased – Firefighter
- Dependents of Deceased – Law Enforcement
- Dependents of Deceased – Teachers
- Dual Enrolled
- Homeless
- Non-Resident
- Psychology Internship
- Purple Heart/Military Honor
- State Employees
- Victims of Wrongful Incarceration



Discretionary Waivers/Exemptions

Discretionary Waivers and Exemptions are listed in Chapters 288, and 1009, F.S.

- Board of Trustees Approved – Graduate Assistance
- Board of Trustees Approved – All Other
- Faculty/Staff Employees
- Florida Linkage Institute
- Public School Classroom Teacher
- Senior Citizen
- Teacher Intern Supervisor
- Tuition Differential Fee for FSAG-eligible



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CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

12/14/2017

Meeting Date

Proposal Number (if applicable)

*Topic Fee Waivers + Financial Aid

Amendment Barcode (if applicable)

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(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

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Higher Education Provisions in Federal and State Constitutions

Florida Department of Education, Office of the General Counsel

Federal Constitution

- ▶ There is no mention of public education in the federal constitution.
- ▶ Education is not among the rights directly protected by the Constitution of the United States.

San Antonio Independent School District v. Rodriguez, 411 US 1 (1973)

- ▶ The United States Constitution may impact education through other federal constitutional provisions
 - ▶ For example, the United States Supreme Court had held that denying enrollment to children who are not legally admitted into the United States, violates equal protection, at least at the primary and secondary education levels. Plyler v. Doe, 458 U.S. 1131 (1982).

The Florida College System

- ▶ The Constitution provides for the “operation of institutions of higher learning and other public education programs that the needs of the people may require.” Article IX, § 1.
- ▶ Unlike the State University System, the constitution does not establish the college system

The Florida College System

- ▶ However, the college system is already recognized as part of the state system of public education in Article XII, § 9. Bonds
- ▶ “State Bonds pledging the full faith and credit of the state may be issued . . . by the state board pursuant to law to finance or refinance capital projects . . . for the state system of public education provided for in Section 1 of Article IX of this Constitution(herein referred to as “state System”), including but not limited to institutions of higher learning, community colleges, vocational technical schools, or public schools, as now defined or as may hereafter be defined by law.

The State University System

Article IX, § 7: Establishes a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.

Educational Provisions Found in the Constitutions of Other States

- ▶ The constitutions of all 50 states contain a provision mandating a public education system.
- ▶ 30 speak to the establishment of higher education.

Constitutional Higher Education Provisions of Top Five States in K-12 Achievement

- ▶ The constitutions of these states contain much less detail than the Florida Constitution
- ▶ **Maryland, New Jersey, New Hampshire & Vermont:** Constitutions do not establish system of higher education.

Constitutional Higher Education Provisions of Top Five States in K-12 Achievement

- ▶ **Massachusetts:** Oldest state constitution in effect since 1780 with few changes. States that the President and Fellows of Harvard College shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have or are entitled to have, hold, use, exercise and enjoy, forever.
 - ▶ Also provides for the general encouragement of education, stating: “Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, **to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge,** public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people.”

Constitutional Higher Educational Provisions of Largest States

- ▶ The constitutions of these states contain much less detail than the Florida Constitution
- ▶ **Illinois & Pennsylvania:** Do not establish a system of higher education in their constitutions.
 - ▶ Illinois: Higher education not established in constitution, but colleges and universities are mentioned in Article VIII § 2 (budget provision), Article IX § 9 (revenue provision), and Article X, § 3, which is the state's "Blaine Amendment," preventing state funds from supporting any school, college, university, or other institution controlled by any church or sectarian denomination.
 - ▶ Pennsylvania: Article III, Section 14 provides for a thorough and efficient system of public education to serve the needs of the commonwealth. No mention of higher education.

Constitutional Higher Educational Provisions of Largest States

- ▶ **New York:** Article XI § 2: University of the State of New York (created in 1784 as the Regents of the University of the State of New York) is continued and given corporate powers, to be modified by the legislature. State colleges are not mentioned.
- ▶ **California:** Article IX, § 6: states that the Public School System includes state colleges.
 - ▶ Article 9, § 14, states that the Legislature shall have power, by general law, to provide for the incorporation and organization of school districts, high school districts, and community college districts, of every kind and class, and may classify such districts.
 - ▶ Article 9, § 19: The University of California shall constitute a public trust, to be administered by the existing corporation known as the “Regents of the University of California,” with full powers of organization and government...

Constitutional Higher Educational Provisions of Largest States

- ▶ **Texas:** Article VII, § 10, states that the Legislature shall ... establish, organize and provide for the maintenance, support and direction of a University of the first class, to be located by a vote of the people of this State, and styled, “The University of Texas,” for the promotion of literature, and the arts and sciences, including an Agricultural, and Mechanical department.
 - ▶ Junior colleges mentioned in bond and tax sections (Article VII, § 3-b)
 - ▶ Funding for higher education for specific institutions (Article VII, §§ 17, 18)

Presentation Sources:

- a. Education Commission of the States
 - i. [50-State Review](#): Constitutional Obligations for Public Education by Emily Parker
- b. [Education Week's Quality Counts 2017 Survey](#)
- c. [Florida State Constitution](#)
- d. [California State Constitution](#)
- e. [Illinois State Constitution](#)
- f. [Maryland State Constitution](#)
- g. [Massachusetts State Constitution](#)
- h. [New Hampshire State Constitution](#)
- i. [New Jersey State Constitution](#)
- j. [New York State Constitution](#)
- k. [Pennsylvania State Constitution](#)
- l. [Texas State Constitution](#)
- m. [Vermont State Constitution](#)

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

12-14-17

Meeting Date

Proposal Number (if applicable)

*Topic Presentation on College Provision in State Constitution

Amendment Barcode (if applicable)

*Name Judy Bone, Florida Dept of Education

Address 325 West Gaines Street

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Tallahassee

City

State

Zip

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*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**