

**From:** Smith, Kevin  
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**To:** Cari Miller (Cari@excelined.org) <Cari@excelined.org>; elefsky@cfl.rr.com; walt\_griffin@scps.k12.fl.us; Lee, Laurie; Colle, Hope; Tart, Suzanne  
**Subject:** FW: 12/2/11 Education Round-Up

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FYI – have a great weekend! ☺

Sincerely,

Kevin Smith,  
Educational Policy Analyst,  
Just Read, Florida! Office  
Florida Department of Education  
325 W. Gaines Street, Suite 501  
Tallahassee, Florida 32399  
(850) 245-0503  
(850) 245-5105 (Fax)  
[www.justreadflorida.com](http://www.justreadflorida.com)



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**From:** Higgins, Deborah  
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**Subject:** 12/2/11 Education Round-Up

## News Clips



### Today's News:

Lakeland Ledger: FCAT Scoring May Get Stricter  
St. Pete Times: Evaluation snags delay contract agreements for Pasco teachers  
Bradenton Herald: Editorial: Florida's public school funding will be put to state Supreme Court test  
St. Pete Times: Gov. Scott: We must invest more in Florida students  
FL Times-Union: Editorial: Good schools: A good principal is a master teacher  
Miami Herald: FAMU expels 4 over band hazing death  
Orlando Sentinel: Editorial: Higher ed overhaul demands more study  
Tallahassee Democrat: Ammons suspends task force  
Tallahassee Democrat: Opinion: FAMU needs a change in culture  
Gainesville Sun: UF trustees give initial OK to hiking undergrad fees  
Orlando Sentinel: UCF students facing steep college costs rally at legislators' meeting  
FL Times-Union: Ousted FAMU band director speaks in Jacksonville as school dismisses 4

St. Pete Times: Editorial: Prudent hand in charge of Pinellas schools

Scripps News: Editorial: Indian River County schools superintendent to be applauded for infusing creative thought into facilities issues such as Osceola Magnet School

Palm Beach Post: School police probe allegations of sexual assault by Glades Central football players

Ft. Myers News Press: Gov proposes parents 'union' to control underperforming schools

Sarasota Herald Tribune: Manatee schools' legal team assailed

New York Times: Exam Cheating on Long Island Hardly a Secret

- New York Times: Opinion: Sins of the Parents

Education Week: NCLB Waiver Plans Offer Hodgepodge of Grading Systems

Education Week: Survey Shows Nearly All States Can Track Data on Students

Education Week: Report Ranks Districts on Promoting School Choice, Competition

Broward Palm Beach New Times: Mavericks High Charter Schools Not Accredited

Hometown News Volusia County: School board member 'on fire' for education

FL Today: Florida Tech unveils new \$350K aviation simulators

## **Lakeland Ledger**

### **FCAT Scoring May Get Stricter**

**Proposal would affect school grades, funding.**

**By Merissa Green**

**Thursday, December 1, 2011 at 10:35 p.m.**

BARTOW | The State Department of Education is proposing more stringent scoring for the Florida Comprehensive Assessment Test.

If the new cut scores — the numbers that determine each level of proficiency — are adopted, fewer students will achieve passing scores, according to Polk County School District officials.

The consequences of that include:

More students retained and enrolled in summer classes;

Lower grades for most schools, based on the FCAT results;

Less money from the state to assist with schools' needs.

"It's going to be harder; it's going to be less A and B schools and more C, D and F's," said Wilma Ferrer, the district's senior director of assessment, accountability and evaluation.

"That's an important point because the standards are so much more rigorous."

The biggest negative impact is going to be seen at the elementary schools, which traditionally perform well, Ferrer said.

The new FCAT 2.0 and Florida End-of-Course Assessments were given for the first time in the spring.

They are based on Florida's updated, more rigorous curriculum standards that were adopted by the state Board of Education several years ago.

The better the schools' scores, the more additional funding they get.

Those rated D and F are placed on improvement plans. Ferrer said the recognition money is used to buy books and equipment and to give teachers bonuses.

Elementary and middle schools' grades are based solely on FCAT scores. Tests are scored from 1 to 5; 3 and above is considered proficient in a subject. Level 2 is below proficiency but still passing.

In the 2010-2011 testing period, 39 Polk elementary and middle schools earned A grades, compared with 36 in 2009-2010. And 22 earned B's, compared with 19 the year before. Thirty-one earned C's, compared with 41 the year before. The number of schools receiving D grades increased from three to seven. No schools received F's.

High schools' grades are based on the FCAT and additional factors, including graduation rates. Those grades should be available later this month.

In a meeting with The Ledger Editorial Board on Wednesday, Gov. Rick Scott said he will make a recommendation about the proposed scores.

"We want to have good measurements that are fair," Scott said. "It's got to be fair to our school systems and it has to set a high bar for our students and educators."

Socrum Elementary Principal Jack Cline said it is unfortunate the people making the decisions are not all educators.

His school went from D to A last school year. But based on the proposed scale, his school's scores would have decreased between 20 percent and 30 percent.

"We felt like we were on the right track," Cline said. "It may be one of those years you work as hard as you can and hope for the best."

Polk Superintendent of Schools Sherrie Nickell and other superintendents from across the state met Thursday with Education Commissioner Gerard Robinson.

Recommendations on the cut scores came from diverse panels, including one with superintendents, Nickell said. The State Board of Education will vote on the issue Dec. 19.

"Now it appears that those recommendations may be replaced by higher cut scores," Nickell said. "If that happens, there will be significant implications."

#### **St. Pete Times**

#### **Evaluation snags delay contract agreements for Pasco teachers**

**By Jeffrey S. Solocheck, Times Staff Writer**

**Friday, December 2, 2011**

LAND O'LAKES — It's 15 weeks into the 2011-12 school year, and River Ridge High School career specialist Laurie Peterson still doesn't know what her performance evaluation will look like.

"We haven't received much information yet," said Peterson, a 23-year district teacher who advises students rather than instructing them.

She's far from alone. Dozens of Pasco County teachers without assigned students are in the same position: They have no clear criteria for how their bosses will review their work or determine their students' academic results for future pay and employment.

The absence of such details is one key hangup in the district's inability to conclude teacher contract negotiations, despite early agreement on pay and benefits — matters that delayed last year's deal until mid-May.

"Quite frankly, there are still some sticking points on the new teacher evaluation process," said Jim Ciadella, lead negotiator for the United School Employees of Pasco, which represents about 5,000 teachers.

Some of the other concerns:

- How to evaluate the performance of teachers attached to more than one school.
- How teachers may appeal disputed evaluations.
- How to handle evaluations for teachers who miss a mandated observation period while taking personal leave.

Perhaps the biggest unsettled issue centers on the timing of contract renewals and the arrival of FCAT testing results.

New state law requires student test results to count for half of a teacher's rating. Those ratings must be used, rather than seniority, if districts must reassign or lay off teachers — as many school officials across Florida expect to do if dismal economic forecasts come to pass.

Hiring decisions come in April. Yet FCAT results, which will offer the lion's share of the student result data, don't come until late May or early June.

As a result, Ciadella said, teacher moves would be made based upon incomplete information. The USEP has recommended sticking with seniority as a deciding factor while awaiting clarification from the state.

"We didn't create this mess," he said, suggesting that teachers should not suffer because of conflicts between the law and existing reporting schedules.

District negotiators have balked at the USEP's proposal, though.

"We're looking forward to additional guidance from the state on what to do for the evaluation piece," district spokeswoman Summer Romagnoli said. "We cannot use seniority."

She said the administration hopes to avoid layoffs and forced transfers through attrition, therefore sidestepping the matter altogether.

It remains a subject for negotiations regardless, Ciadella said, because the state's timelines are "unrealistic" and teachers' fates rely upon them.

"This is an issue we are pretty adamant on," he said.

Ciadella was more confident that the sides would reach an easier resolution on evaluations for teachers who don't lead core classes or have classrooms. The district has created a model that goes to the state for approval on Dec. 1.

Peterson said she wasn't nervous about the outcome, though she was anxious to see it.

"I know what I do in my job and I think I do it well," she said. "I can't imagine there is something on that instrument that would be daunting to me."

Like it or not, she said, the new evaluation system simply represents "the way we are going to do things in Florida now. ... Things are changing, and we've got to change with them."

More problematic, Peterson suggested, is the possibility that looming budget cuts will claim jobs like hers. That would make the question of how to craft the evaluations moot.

Romagnoli said the administration hopes to have a contract agreement before winter break begins Dec. 22. If that happens, USEP president Lynne Webb said she did not expect a ratification vote until late January.

**Bradenton Herald**

**Friday, Dec. 02, 2011**

**Florida's public school funding will be put to state Supreme Court test**

**EDITORIAL | Statistics show state failure on 'quality' education**

As the Manatee County School Board begins grappling with another painful round of budget cuts, the lawsuit against the state concerning constitutional issues about public school funding heads to the Florida Supreme Court.

A state appellate court pushed the case up to the high court last week, deciding that the lawsuit from parents, students and advocacy groups is an issue of "great public importance" that merits a faster track through the legal system. A quicker decision is vital to school districts around the state as Florida faces another \$2 billion revenue shortfall and potential cuts to education.

The state Constitution requires a "uniform, efficient, safe, secure and high quality system of free public schools." The lawsuit contends the state has failed to meet those standards, and evidence supports that point.

State funding has fallen dramatically over the past few years. In Manatee County alone, the district slashed spending by \$14 million this school year, part of the \$60 million in trims over the past four years.

Enrollment is expected to rise by 1,000 students next year with a statewide forecast of more than 30,000 additional students.

Florida's class-size amendment will then put the state in a funding bind as districts struggle to add both classrooms and teachers to meet those constitutional mandates. The Legislature already eased class-size requirements this school year to save money.

The state's poor standing in public school education is painfully evident. Census Bureau figures show Florida ranks 41st among states in total funding per student, but a clearer picture can be found in the graduation rate and average SAT score – both ranking among the worst in the nation. Those are indefensible statistics for a state that enshrined "quality education" in the Constitution.

Legislative leaders and the State Board of Education argue the courts do not have the authority to order additional spending on schools, contending education policy is a political issue under the Legislature's purview.

In 1996, the Florida Supreme Court ruled along those lines in rejecting a lawsuit challenging state compliance with the constitutional requirement for an "adequate and uniform" school system. Justices decided the Constitution then lacked specific standards under which compliance could be determined.

Voters wisely responded with a new amendment in 1998, mandating an "efficient, safe, secure and high quality" system that would be a "paramount duty" of the state. In 2006, the Supreme Court decided the new amendment did indeed provide standards.

Public school education is no longer solely a political issue which legislators can claim meets constitutional muster by simple proclamation. Solid evidence points to the state's failure to follow voter mandates.

On numerous occasions at the ballot box, Floridians have shown a commitment to public school education. The Legislature must follow the will of the people and quit hiding behind arrogant political excuses.

We welcome the Supreme Court's entry into this case.

## **St. Pete Times**

### **The Grade Book Blog**

**DECEMBER 01, 2011**

#### **Gov. Scott: We must invest more in Florida students**

Here's a column about education funding that Florida Gov. Rick Scott began shopping around late today to newspaper editorial boards (hat tip to our friends at [The Buzz](#), who offer a quick analysis of Scott's wording):

Education pays. According to the federal Bureau of Labor Statistics, education pays two ways: higher earnings and lower unemployment rates. The best way to ensure the next generation of Floridians and Americans finds success and continues to grow our economy is to invest in their education, even when our state is facing challenging economic times.

As Governor, I am committed to making sure every student gets a good education and the opportunity to get a job. By making sure Florida has the best educated workforce, companies will recognize our state as the best place to tap into the talent that will allow business to grow and succeed.

Part of making sure Florida has the best educated workforce is improving education in the STEM areas of science, technology, engineering and math. Through 2018, Florida will need 120,000 new workers in STEM fields. In spite of this need, fewer than 20 percent of the State University System's graduates are expected to obtain a STEM degree. For students to be successful in these subjects, we must help them gain the essential building blocks of knowledge and understanding in our elementary, middle and high schools.

While education is essential to Florida's economy, our state is facing a "perfect storm" of unique challenges when it comes to funding education. Let me quickly summarize the budget situation Florida's schools are facing next school year:

- For the 2012-13 school year, we anticipate an increase of more than 30,000 students. At the current funding level of about \$6,262 per student, Florida will need to spend about \$191 million more on education than we are this school year.
- Florida's growing student population comes at a time when we also estimate a three percent loss of local revenue, meaning Florida school districts will have over \$200 million less to spend.
- Add to this deficit the discontinuation of \$554.8 million in federal funds to Florida school districts this year.
- In addition, we will have to overcome the challenge of losing \$224 million in one-time funding from the State of Florida.

When you take these four factors into consideration, we anticipate a total budget gap of about \$1.2 billion for Florida schools. In spite of this bleak budget picture, I am committed to increasing Florida's investment in the education of our young people. As I see it, investing in education provides a return on investment we simply cannot ignore.

To gain a better understanding of how Florida needs to invest in education, I am meeting with teachers across our state to hear their ideas about to improve our schools and encourage student achievement. Teachers are essential to the success of our schools and our students, and I am confident that those who daily work to inspire children and young people to learn and achieve their dreams can show us the best way to invest Florida's education dollars.

Education pays, and we clearly must find a way to increase our investment in Florida's students. Please share your ideas with me by emailing [Rick.Scott@eog.myflorida.com](mailto:Rick.Scott@eog.myflorida.com).

## **FL Times-Union**

### **Editorial**

#### **Good schools: A good principal is a master teacher**

**December 2, 2011 - 6:46am**

What does an effective school look like?

It must have a combination of positive factors, all working in sync.

If just one factor is missing, the education suffers. Research has shown that good schools need effective leaders, engaged students, teachers using effective curriculum and support from the community.

It needs outstanding leadership from a principal.

The principal provides support and training for a staff of outstanding teachers.

Parents and community provide encouragement.

One of the difficulties nationally is that teachers are not properly trained. The principal, in essence, should be a master teacher. That is going to be one of the requirements that follow from Florida's new school accountability systems.

But according to a report from EdSource, most teacher evaluation systems are lacking.

The nation gets a grade of D-minus for identifying effective teachers, reports the National Council on Teacher Quality.

The new Teacher Project reports that most teacher evaluation systems suffer from a slew of design flaws. Teachers on probation get evaluated, but it's typical for permanent teachers to be evaluated just once every three years.

**Superficial:** Some evaluations aren't much use. They may not differentiate the good from the less effective.

Not helpful: Most teachers don't receive useful feedback.

**Few consequences:** Evaluations don't have much to do with professional development, promotion, compensation, tenure or dismissal, except in the most extreme cases.

In fairness, teaching is both an art and a science. It can't be evaluated like sales. We're talking about the interaction of human beings.

Each class has a personality. It takes years for teachers to adjust to those differences.

That is why simplistic answers to education are usually wrong ones.

**Miami Herald**

**Posted on Thu, Dec. 01, 2011**

**FAMU expels 4 over band hazing death**

**By TOLUSE OLORUNNIPA**

Florida A&M University has dismissed four students amid growing pressure from top state education officials and the governor's office over an alleged hazing incident that led to the death of a 26-year-old drum major.

The expulsions come after the university's famed Marching 100 band was suspended and its director asked to resign over Robert Champion's death last month on a bus in Orlando. The latest moves by President James Ammons appear to be the first severe anti-hazing disciplinary actions implemented by a FAMU leader against the band, despite a decades-long trail of hazing allegations.

"I want to report that four (4) students have been dismissed from the university in connection to the Robert Champion incident," Ammons wrote in the memo to the board of trustees.

The memo did not mention the names of the four students or how they are connected to Champion's death.

Champion died on Nov. 19, after the Florida Classic game between FAMU and Bethune-Cookman College. A 911 call, released Thursday, shows that panicked band members tried to revive Champion after he collapsed on the bus and vomited. Authorities have said hazing was involved.

Champion's death, which has drawn national attention, is the latest in a string of hazing-related incidents involving FAMU's marching band.

In 2001, trumpet player Marcus Parker won a \$1.8 million lawsuit against other band members, after being paddled severely during a hazing ritual and suffering renal failure.

"They had a hazing that started on a practice field. Then they took him to an apartment off campus and did the hazing," said David Frank, a Tallahassee attorney who represented Parker. "Ten years later, it's still happening."

Dr. Julian White, the band director who is fighting the university's efforts to terminate him, released more than 150 pages of documents showing that he has dismissed dozens of band members in the past decade because they violated the band's "zero-tolerance" hazing policy.

"Inside of the band, that was not tolerated and Dr. White was the authority against all hazing," said Lawrence Hilson, who played saxophone for the band in the early 1990s. "But you have people going outside of the band creating their own little cultures, their own little organizations, and doing hazing outside of the band."

Thursday, Gov. Rick Scott asked all 11 state universities to review their anti-hazing policies and penalties. The governor has also asked the Florida Department of Law Enforcement to investigate Champion's death. The Florida Board of Governors, which sets education policy at state universities, is conducting an investigation into the university's institutional controls.

According to the 911 tape, band members tried to revive Champion using CPR before the ambulance arrived.

"We have a band member on the bus, and he's not breathing. I tried to give him CPR and he started to vomit," a caller told the 911 dispatch. "He's in my hands, ma'am. He's cold."

## **Orlando Sentinel**

### **Editorial**

#### **Higher ed overhaul demands more study**

**December 2, 2011**

This one comes from the "Be Careful What You Ask For" department.

Gov. Rick Scott tossed out a lot of questions at the state's 11 public universities. He got back volumes in response.

That's a good start, at least.

We don't disagree with the governor that 21st Century education and work-force development needs might well necessitate profoundly changing the way Florida universities and colleges function, from their faculty contracts to their degree offerings.

But we're concerned about the governor's study habits. When it comes to talking up higher-education reforms, we don't think he has done enough homework.



In a September meeting with the Sun Sentinel's editorial board, the governor showed signs of frustration in backing off a discussion on professorial tenure. When pressed on whether ending tenure would hurt the research competitiveness of Florida universities, he simply threw up his hands and said, "Then we don't do it."

The governor insisted he was simply putting broad ideas on the table for discussion. Except that's what candidates do.

Elected leaders, especially governors, need to do more than brainstorm. They need to put forth concrete, vetted proposals. Trust us on this, governor, you'll run out of time quicker than you think, even in a four-year term.

The governor has plenty of material to study, thanks to the universities' voluminous responses to his questions. The University of Florida submitted 750 pages of answers, for example, and Florida International University and the University of Central Florida set up dedicated websites for their feedback.

Now it's up to the governor to match the universities' effort by carefully considering their input.

Here's what we recommend: Scott should assemble a working group of individuals with thorough knowledge of the public universities and colleges. He should task it to help him evaluate the ideas from the universities and work with them to produce a blueprint for reforms by this time next year.

Scott also should collaborate with the Legislature, of course. House Speaker Dean Cannon, in a column on today's op-ed page, offers a thoughtful commentary on the need to better define and differentiate the mission of each state university.

As a non-election year, 2013 would be a good time to legislate some serious higher education reform proposals before the 2014 silly season starts.

Governor, take us up on this idea. Who knows? You might have a real legacy issue to run on in 2014 as a result.

## **Tallahassee Democrat**

### **Ammons suspends task force**

#### **Board has growing concerns; four band students expelled**

**By Doug Blackburn and Jennifer Portman**

**December 2, 2011**

Florida A&M University President James H. Ammons announced Thursday night that the task force he appointed last week to look into hazing within the band has been suspended pending law-enforcement investigations and a probe by the Florida Board of Governors into whether top FAMU officials took appropriate action to address reports of hazing within the band.

"Based upon input from the governor's office and in light of the recently announced Nov. 29 investigation by the Board of Governors, I believe it will be prudent to postpone the work of the task force to allow this and other investigations to be pursued with our full cooperation and attention," Ammons said in the one-line statement.

Also on Thursday, several members of FAMU's Board of Trustees said they are disappointed they haven't been able to question Ammons in the wake of the Nov. 19 suspected hazing death of Marching 100 drum major Robert Champion.

Board members said an emergency meeting of the board that was planned for Tuesday afternoon — which was not publicly noticed in accordance with Florida Sunshine laws — was canceled 30 minutes before its scheduled start after board members insisted on being able to question Ammons, and Ammons refused.

The Board of Trustees is charged with overseeing the university's president.

FAMU on Wednesday evening announced a BOT meeting next week in Orlando, but there is no mention on the agenda of a time to address Champion's death, the suspension of the Marching 100 and other band programs and last week's termination of longtime band director Julian White.

One trustee questioned whether next week's meeting will actually happen; another said he would resign from the board if the hazing scandal and turmoil in the Office of Audit and Compliance are not addressed.

FAMU spokeswoman Sharon Saunders said the board has met in Orlando each December over the past three years. The agenda, she said, was developed a month ago and BOT Chairman Solomon Badger is considering changing it in light of Champion's death.

Badger met with State University System Chancellor Frank Brogan on Thursday, two days after the Board of Governors launched its investigation by its Inspector General.

BOG spokeswoman Kelly Layman said the meeting between Badger and Brogan was to follow up on "general phone conversations and related developments or activities that had occurred already with several administrators both at FAMU and at the Board of Governors since late last week."

Narayan Persaud, Faculty Senate president and a BOT member, said his colleagues at FAMU have received little information during the 11 days since Champion's death in Orlando hours after the Florida Classic. Persaud said he is getting all of his information from the media.

"Generally, the faculty are concerned about the situation and are hoping for some decisive decisions," Persaud said, "but they are as confused as I am about what's happening.

Board member Marjorie Turnbull said she thinks that will change.

"I think from this point forward (the trustees are) going to be involved and we would expect to be involved," she said Thursday. "Until I know the facts, I'm not going to second-guess."

In a letter sent by Ammons to board members after Tuesday's canceled emergency meeting, the president outlined steps he has taken in the wake of Champion's death, including the expulsion of four students in connection to the 26-year-old's suspected hazing, which is still being investigated by the Orange County Sheriff's Office and the Florida Department of Law Enforcement.

"Everyone has questions," Ammons wrote, "however, the on-going investigation and the potential for lawsuits dictate that we must be careful in speculating or suggesting what has or has not occurred."

During the last week, Ammons said, he has met with band students, including seven section leaders, who received an audience with the president after dozens of students protested outside of Lee Hall. Ammons said he clarified for the section leaders that his indefinite suspension of the Marching 100 and outside performances does not include required performances for their music classes. The students, he said, "pledged their support to restore the brand and image of the Marching 100 as one of excellence."

"I'm very encouraged that the student leadership is going to take an active role," board member Turnbull said. "If this is going to be dealt with, the students must be involved and part of the solution."

Ammons also told board members in the letter that Tuesday was the first time he received letters of band suspensions issued by White for suspected hazing activities that occurred before the Florida Classic. Thirty suspension letters dated Nov. 8 and Nov. 10 were mailed to Ammons, along with other documents, by White's attorney in support of his Nov. 25 reinstatement letter.

White, who was put on administrative leave last week by Ammons and is fighting his pending Dec. 22 termination, has said Ammons and other top administrators were copied on the recent band suspension letters before the Classic and failed to take strong university-wide action.

Ammons' spokeswoman said he has yet to receive other band suspension letters from May and 2007. Ammons also did not see a Nov. 16 letter from White notifying him of suspected hazing activities until two days after Champion's death, Saunders said, because he was out of the office.

To help deal with the crush of national media attention, Ammons told board members he has met with Ron Sachs Communications.

President and CEO Ron Sachs said he is not being paid for his assistance.

"Since this administration began, we have worked hard to restore the FAMU image that was tainted by poor audit reports and the (university's accreditation) probationary status," Ammons wrote. "Therefore, preserving the image and the FAMU brand is of paramount importance to me." Sachs said FAMU has an earnest commitment to get all the facts, obtain justice for Champion and his family and eliminate hazing, but accomplishing those goals won't be easy.

"Few institutions ever face the challenges of a tragedy and all the related issues that Florida A&M University is now mired in," Sachs said. "The issues are so complicated and the challenges so complex, it is a daunting set of problems for any institution to deal with."

In an effort to stave off the kind of incident that has "devastatingly struck" FAMU, Governor Rick Scott on Thursday called on all university presidents to reevaluate their current hazing and harassment policies and procedures.

In a letter sent to Chancellor Frank Brogan, Scott said "regardless of the conclusions following the investigation, hazing should be strictly condemned on our college and university campuses and by any organization associated directly or indirectly with our institutions."

Scott stressed that students, faculty and staff need to be reminded how "potentially detrimental hazing can be."

"It must be clear to everyone that hazing or any other form of harassment will not be tolerated under any circumstance," Scott wrote.

The Board of Governors said it "has a long-standing requirement that every institution in the State University System have in place a regulation or policy that addresses anti-hazing, related penalties, and program for enforcement. This requirement is listed in the very first regulation of the first Chapter of the about 90 regulations of the Board of Governors."

## **Tallahassee Democrat**

### **Opinion**

#### **FAMU needs a change in culture**

**Byron Dobson Associate Editor**

**December 2, 2011**

This week's funeral for Robert Champion was the first step for his parents in confronting a November full of shock and uncertainty.

Now, their search for answers as to why their son died after performing with Florida A&M University's Marching 100 in the Florida Classic takes front and center. It's a heavy burden for any parent.

Based on what's been made public, it's apparent that band members know what happened to Champion, who was involved and why investigators say hazing was a factor. And, on the eve of his funeral, new reports surfaced that another band member was hospitalized as a result of hazing before the Florida Classic.

This report will add even more urgency to an in-depth investigation of Florida A&M, the environment in which the band and other campus organizations operate, and, more importantly, the university's leadership.

As for the Marching 100, it should be banned from any performances until way after the investigations and legal actions have concluded. But even that won't necessarily end the problem, says Na'im Akbar, a nationally known clinical psychologist and Tallahassee native. Hazing, he says, is an extension of a culture that is deeply rooted and will be eradicated only with sustained efforts at re-socialization.

For instance, Akbar pointed out that "hazing has nothing to do with talent" when it comes to the Marching 100. The band has proven that it's the best at what it does, he said. But a culture has been created within the band, as it has in fraternities and other organizations, including churches, that they have to prove to the powers within that they are worthy.

"Hazing is emblematic of a distorted notion of what power is all about," he said. "Normal power is based upon competency or mastery, but this distorted power is based on domination rather than mastery." Champion's death and the subsequent fallout reached a new level this week when the Board of Governors requested an investigation into how FAMU administrators have responded to acts of hazing. This gives creditable weight to fired band director Julian White's public response that he got little support from FAMU administrators in following up on suspended students. So strong that the Governor's Office is likely to add resources from its Inspector General's staff to assist in the investigation.

But while that investigation is likely to focus on policies, process, politics and the impact on the State University System, a much deeper factor is at play here.

Akbar, a retired clinical psychologist at Florida State University and past president of the National Association of Black Psychologists, says the abuse of power, of which hazing is an extension, is prevalent within black culture, but not limited to black people. Addressing it goes beyond an institutional investigation.

He noted the absence of anyone skilled in social psychology among the members of a task force named by Ammons to examine the culture at FAMU as a result of Champion's death.

"I feel this is an abuse of power," Akbar said of hazing. "People who have had a history of oppression, such as African-Americans, one of the residues are some real hang-ups about power.

'I am worthy and I have power. I have esteem. I am going to treat you as people treated oppressed others.' There's really no rationale or logic about it. It's looking for a rational solution to some old hurts that are there."

Akbar said naming a task force allows for the focus to be on criminal conduct "rather than a social-psychological maladjustment. It's as if it's a criminal issue rather than a social-psychological issue."

Akbar pointed out that Florida has some of the toughest laws against hazing, but they're of a punitive nature rather than a corrective measure.

"What is the basis of this irrational behavior?" he asks. "We need to unravel that and come to grips with it. All of these are residues of slavery, but as long as it's in the dark, it continues to haunt us. We have left the plantation but still carry around the dynamics of the plantation."

FAMU now finds itself forced take a close look at what it means for a university that takes pride in attracting the brightest students, the best of the best musicians, and why championing a culture of success doesn't include reducing the dignity of others.

"I feel this is an abuse of power. People who have had a history of oppression, such as African-Americans, one of the residues are some real hang-ups about power."

## **Gainesville Sun**

### **UF trustees give initial OK to hiking undergrad fees**

**By Nathan Crabbe**

**Thursday, December 1, 2011 at 6:49 p.m.**

As a boisterous group of students protested tuition hikes, University of Florida trustees voted Thursday to create a new fee that would amount to a 5 percent tax on undergraduate tuition.

The board of trustees' education policy and strategy committee approved the new "undergraduate enhancement fee" to fund higher stipends for graduate teaching and research assistants. UF President Bernie Machen said graduate assistants teach a significant number of undergraduate classes.

"By improving their lot (and) making us better able to recruit and retain graduate students, it has a direct impact on the education that the undergraduates receive," he said.

The committee is comprised of the entire board, but the full board must still pass the fee today and the state Board of Governors must approve it before it can take effect in the next academic year. The fee would amount to 5 percent of the base tuition set by the state and apply only to undergraduates.

It would cost \$178 for a student taking 30 credit hours a year under current tuition rates, according to UF.

The committee also passed increases to existing fees that will be used in part to help fund a \$75 million expansion and renovation of the Reitz Union student center. The project would demolish the union colonnade, replacing it with a 110,000-square-foot, multilevel structure. Another 75,000 square feet in renovations would be done to the rest of the union.

The decisions came as the newly formed Gator Student Alliance, a coalition of several major student groups, protested 15 percent annual tuition increases. Dozens of students marched through campus to the trustees' meeting. A number stayed to attend the session when fees were considered, before leaving abruptly in protest after not being allowed to speak.

Board liaison Jamal Sowell said afterward that the group hadn't made a formal request to speak. Board Chairman Carlos Alfonso had a contentious exchange with the group outside the meeting, leaving as they chanted "Hey hey, ho ho, tuition increases have got to go."

"That's insulting. That's not the way we work here," Alfonso said as he left.

Later in the meeting, Alfonso apologized for his "terse conversation" with the students.

"I know how compassionate they are and how much they care, so if I appear to be uncaring, it's only because I can get a little hot as a Hispanic," he said.

In making the case for the new fee, Machen presented figures showing that UF's tuition is about 51 percent of the average of public universities in the Association of American Universities, a group of top research universities.

Machen later said that the fee would allow graduate stipends to increase 10 percent on average.

The board unanimously approved creating the fee, but Student Government President Anthony Reynolds abstained from the vote.

"At the end of the day, I felt like I was being forced to choose between undergraduate students and graduate students," he said after the meeting.

Trustees also approved a \$1.51 increase in the activity and service fee and a 53 cents increase in the transportation fee, while keeping athletic and health fees at their current levels. Those fees also would need to be approved by the Board of Governors before taking effect in the next academic year.

Eighty-seven cents of the activity and service fee would be used to fund the union project. Last year, students overwhelmingly opposed creating a new fee to fund the union project in a non-binding vote. Student Government Treasurer T.J. Villamil presented thousands of student letters in support of using existing fees to fund the union's expansion and renovation.

"It's time to invest in a student union that will meet the needs of present and future Gators," he said.

## **Orlando Sentinel**

### **UCF students facing steep college costs rally at legislators' meeting**

**By Denise-Marie Balona, Orlando Sentinel**

**10:15 PM EST, December 1, 2011**

Dozens of University of Central Florida students rallied outside a meeting of Central Florida's legislative delegation Thursday morning to speak out against education cuts and

rising tuition.

While state lawmakers and business leaders gathered inside the UCF Fairwinds Alumni Center to discuss ways to generate jobs and make Florida more business friendly, students yelled chants to try to catch officials' attention.

They waved signs, including one that said: "Where is my lobbyist?"

Some said they considered it a smack in the face that legislators would come to the campus to talk about improving the region while students are struggling so hard to make ends meet. Their challenges include rising tuition and cuts to financial aid, including the state's popular Bright Futures scholarship program.

"These same legislators are talking about Florida's future when Florida's future is right in front of them," said Anna Eskamani, a political-science major who helped organize the "Rise Up UCF" protest.

The rally was one of several planned this week at college campuses statewide. Eskamani said she decided to launch a protest when she learned lawmakers would be visiting UCF on Thursday.

The protesting, however, did not interfere with the meeting, where UCF President John Hitt touted the university's business-incubator programs and the growing number of students entering the high-demand fields of engineering and computer science.

To junior Jordan Allen's chagrin, higher-education funding was not on the agenda. But he knows legislators will probably boost tuition again next year.

UCF officials also will meet next week to discuss bumping up fees for campus parking and student housing.

Allen already expects to graduate with more than \$20,000 in student-loan debt.

"It's frustrating and sad," he said.

## **FL Times-Union**

### **Ousted FAMU band director speaks in Jacksonville as school dismisses 4**

**December 2, 2011 - 7:30am**

**By From news services and staff**

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Ousted FAMU band director speaks in Jacksonville as school dismisses 4

Florida A&M University expelled four students Thursday amid growing pressure from top state education officials and the governor over an alleged hazing incident that led to the death of a 26-year-old drum major.

The expulsions come after the university's famed Marching 100 band was suspended and its director forced to resign over Robert Champion's death last month on a bus in Orlando.

The latest moves by President James Ammons appear to be the first severe anti-hazing disciplinary actions implemented by a FAMU leader against the band, despite a decades-long trail of hazing allegations.

Ammons' memo to the school's board of trustees about the expulsions did not mention the names of the four students or how they are connected to the death.

Champion died on Nov. 19 after a football game between FAMU and Bethune-Cookman College. A 911 call, released Thursday, shows that panicked band members tried to revive him after he collapsed on the bus and vomited. Authorities have said hazing was involved.

"We have a band member on the bus, and he's not breathing," a caller told the 911 dispatch. "I tried to give him CPR and he started to vomit. He's in my hands, ma'am. He's cold."

The former band director, Julian White, defended his reputation in his native Jacksonville on Thursday.

Fighting the university's efforts to terminate him, White released more than 150 pages of documents showing that he has dismissed dozens of band members in the past decade because they violated the band's "zero-tolerance" hazing policy.

"I am deeply saddened," White said during a news conference at Gateway to Heaven Christian Center, a church in Gateway Mall, while standing in front of about 50 supporters. "I do hope that as a result of this tragedy we try to find some good."

Former band members defended White.

"Inside of the band, that was not tolerated and Dr. White was the authority against all hazing," said Lawrence Hilson, who played saxophone for the band in the early 1990s. "But you have people going outside of the band creating their own little cultures, their own little organizations, and doing hazing outside of the band."

White wouldn't talk specifically about the dismissals but said he's a "fanatic" about stopping hazing. He said he came to Champion's side after 911 was called, broke the news of his death to Champion's mother and attended his funeral Wednesday in Atlanta.

Champion's death, which has drawn national attention, is the latest in a string of hazing-related incidents involving FAMU's marching band.

In 2001, trumpet player Marcus Parker of Jacksonville won a \$1.8 million lawsuit against other band members after being paddled severely during a hazing ritual and suffering renal failure.

"They had a hazing that started on a practice field. Then they took him to an apartment off campus and did the hazing," said David Frank, a Tallahassee attorney who represented Parker. "Ten years later, it's still happening."

On Thursday, Gov. Rick Scott asked all 11 state universities to review their anti-hazing policies and penalties.

The governor also has asked the Florida Department of Law Enforcement to investigate Champion's death.

The Florida Board of Governors, which sets education policy at state universities, has ordered an investigation into hazing at FAMU. The panel's probe will determine whether the school took appropriate action in response to White's claims.

Meanwhile, the Tallahassee Police Department has opened an investigation into the alleged battery of another FAMU band member, 18-year-old Bria Shante Hunter.

Hunter's parents told Atlanta's WXIA-TV on Tuesday that the freshman clarinet player suffered a fractured thigh bone and damaged knee. They say when she returned to Georgia she couldn't bend her legs. Officer David Northway confirmed they are investigating whether the injuries came from hazing.

A police report states the alleged battery started Sept. 15 and continued through Nov. 7.

The owner of the company that transported band members the night Champion died says the driver did not hear or see any commotion on the bus before the drum major collapsed.

Ray Land, president of Fabulous Coach Lines, says his company has transported the Marching 100 to many games and never had any incidents of hazing or inappropriate conduct on the buses.

Land said the driver transported Champion and other band members back from their game to the Orlando hotel where they were staying that night. She was helping students unload their instruments when Champion collapsed. He said the driver is shaken up over what occurred and that their experience with the band has always been positive.

## **St. Pete Times**

### **Editorial**

#### **Prudent hand in charge of Pinellas schools**

**Friday, December 2, 2011**

Pinellas County schools superintendent John Stewart so far appears to be a careful steward of tax dollars, ending wasteful spending and looking for ways to mete out scarce resources where they will do the most good for the students in the classroom.

Case in point: Uncertain what the district was actually going to gain from a partnership with the University of Florida's Lastinger Center for Learning to research low black student achievement, he has effectively ended that venture. But he has not given up on the need to close the achievement gap, which continues to be a pressing issue. Just Tuesday, he was meeting with representatives from St. Petersburg College and the University of South Florida to discuss how they could combine to fight the problem using homegrown talent.

Another example: Faced with widespread perceptions that the district is top-heavy, Stewart did not become defensive but hired outsiders — at a budget price — to perform a reality check and make recommendations.

A third example: Also on Tuesday, Stewart started looking at the district's \$17.2 million program that leases rather than buys computers. Stewart doesn't yet know if changes are needed, but he knows a budget item that large deserves scrutiny.

Of course, not all of his suggestions will be welcomed by all, particularly on pocketbook issues such as limiting how much banked sick leave a retiree can cash out.

But in three months, Stewart has brought a refreshing common sense and lack of drama to the business of running the district. To acknowledge that, the School Board has

dropped the "interim" from his title. He has agreed to stay on through the end of 2012 as the district searches nationally for its next leader. If his hand remains steady, his successor will find a district in much better shape than when he came on board.

## **Scripps News**

**Editorial: Indian River County schools superintendent to be applauded for infusing creative thought into facilities issues such as Osceola Magnet School**

**Thursday, December 1, 2011**

Build a new school.

For too long this has been the predictable solution to facilities issues in the Indian River County School District.

Running out of space at one school? Replace it!

Got another school in disrepair? Build a new one!

Up until a few weeks ago, district officials were fully prepared to employ this overused, unimaginative — and costly — strategy with respect to Osceola Magnet, the antiquated, 58-year-old elementary at 665 20th St., Vero Beach, prone to flooding in recent years. The \$20 million project already had been approved as part of the district's five-year capital improvement plan and two possible sites already had been identified for the new school: Pointe West off western State Road 60, or Waterway Village off 58th Avenue near 53rd Street and Storm Grove Middle School.

But then, only a few weeks before decision time, something ... unusual ... happened. Schools Superintendent Fran Adams announced district officials were considering a third option — moving Osceola Magnet to Dodgertown Elementary (built in 1967 at 4350 43rd Ave.).

There are three key selling points with the Dodgertown option:

- Moving Osceola to Dodgertown would cost about \$10.5 million — half the cost of building a new school at either Pointe West or Waterway Village.
- The heavy rains in October, which flooded Osceola and temporarily closed the school, punctuated the need to relocate the school. Osceola could be moved by August if the School Board chooses the Dodgertown option; if the board decides to build a new school, it wouldn't open until 2013.
- With an enrollment of 426, Dodgertown Elementary has the least number of students among the district's schools. Relocating Osceola to Dodgertown would maximize the use of the latter facility and help repopulate Dodgertown.

Adams plans to make a recommendation on one of the three options at the Dec. 13 School Board meeting.

The Dodgertown option merits serious consideration.

Regardless of which option ultimately is chosen, the superintendent is to be applauded for infusing some imaginative thought into facilities issues. It's refreshing to have an option on the table that would: 1) save taxpayers' money; 2) accelerate the move to a different site; and 3) maximize the use of existing facilities.

## **Palm Beach Post**

**School police probe allegations of sexual assault by Glades Central football players**

**By Allison Ross , Michael LaForgia and Jeff Greer**

**Updated: 7:17 a.m. Friday, Dec. 2, 2011**



Four members of one of the nation's top high school football teams apparently pressured a 14-year-old girl into sex acts in a school bathroom last month, according to school district sources and the girl's mother.

And, the mother said, no investigation was started at the football powerhouse, Glades Central High, until the second time she approached the school with concerns.

"Out here, they're big on football. I could care less about football when it comes to my daughter," said the mother, speaking publicly for the first time. The Palm Beach Post is protecting her identity because her daughter is alleging sexual assault. "I don't think the school is handling it the way they should be handling it."

Glades Central High officials have acknowledged that four football players were suspended on Nov. 14 in connection with a sexual incident in a school bathroom, but they declined to identify the boys.

A source familiar with the team's inner workings said the suspended boys included two star defensive players with scholarship offers from major Division I schools.

Four Raiders players - linebacker Jatavis Brown, defensive back Crevon LeBlanc and defensive lineman Carlton Butler, all seniors, and junior linebacker Raheem Burgess - were suspended from school and benched for the first two rounds of the playoffs.

It was unclear late Thursday whether the players who were suspended would play in tonight's regional final against Miami Norland. Efforts to reach them Thursday evening were unsuccessful.

Palm Beach County School District police have confirmed an investigation into an alleged sex crime at the school, but declined to offer details. No one has been charged with a crime.

On Nov. 7, the woman said, her daughter, a freshman, skipped class and at least four football players pressured her to perform oral sex on them in a bathroom during school hours.

The woman said she heard rumors about the incident three days later and went to the school with her concerns. She said she was reassured when a school employee, Cathy Seider, told her that her daughter had missed no classes that day. But when rumors continued over the weekend, she said she returned on Nov. 14, spoke to the principal and other administrators and learned the rumors were true.

In the fallout, the woman's daughter, who initially denied the encounter, was suspended along with the football players.

Between Nov. 10, when the mother first went to the school, and Nov. 14, when the players were suspended, the Raiders played rival Pahokee in the annual Muck Bowl, one of the most important events of the year in the Glades.

Days after the Nov. 14 meeting, the woman said she saw Seider, wife of former Glades Central Athletic Director Jay Seider, at a grocery store. "(Cathy Seider) said, 'This will all blow over, and if the media comes, tell them no comment,'" the woman said.

Reached Thursday, Cathy Seider denied making those statements but otherwise declined to comment.

The woman's allegations came as the Glades Central Raiders were poised to enter the state championship race.

"I know that they took advantage of her, and I want to see justice done to those boys," the woman said. "I don't care if you lose scholarships because of it. I really don't. I don't care about a state game."

School officials declined to comment Thursday on the woman's claims. Principal Anthony Anderson referred questions to a district spokesman, who couldn't be reached. Neither could Raiders coach Roosevelt Blackmon or Athletic Director Edwin James.

## **Ft. Myers News Press**

### **Gov proposes parents 'union' to control underperforming schools**

**Trigger bill would give parents more power to create charters.**

**10:56 PM, Dec. 1, 2011**

**Written by Chris Umpierre**

Gov. Rick Scott's draft legislative agenda includes a so-called "parent trigger" bill. It allows a majority of parents to vote to convert their school into a charter. Currently, you can only convert a school to a charter if a majority of both teachers and parents agree. Some schools boards are worried that decisions about charter schools could be taken out of their hands entirely.

Gateway Charter School first-grader Jaidyn Kitley, center, works on an assignment with classmates. Parents would get more power to create charter schools under

#### **Side Bar**

##### **WHAT ARE CHARTER SCHOOLS?**

Charter schools are free public schools that operate under a performance contract, or a "charter," which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results. The length of time for which charters are granted varies but most are granted for five years.

- Who can start a charter?

Anyone can file an application to start a charter school, but documentation must be specific. The deadline to apply for fall 2012 was Aug. 1.

- Who evaluates applications?

The Lee County School District has a 42-member committee that evaluates all aspects of an application, asks for revisions and then determines whether to accept or reject an application.

- Who approves charter schools?

County school boards approve terms of a charter contract, but any school that's rejected can appeal to the state.

- Who controls a charter school?

Charters have their own governing boards, often with local representatives who act similarly to county school boards.

- Who manages a charter?

Many charter schools contract with professional management companies to handle payroll, personnel, curriculum development and other aspects of school operations.

- Where do charters get their money?

Charters receive the same level of per-student funding as traditional public schools, although districts can collect 5 percent of that money for the first 250 students as an administrative fee.

- Sources: Florida Department of Education and the Lee County School District

#### **Trigger Bill may affect schools**

From academics to quality of teachers, Tice Elementary parent Maria Mendoza would make a lot of changes at her daughter's east Fort Myers school.

Outside of PTA meetings or teacher conferences, though, Mendoza has little power to effect change.

That could be changing.

Gov. Rick Scott's draft legislative agenda includes a bill that would allow parents to close struggling schools and replace them with a charter school. The so-called parent trigger bill, which has yet to be filed in the Florida Legislature, creates a parents union that advocates say will provide powerful and needed counterweight to teachers unions and district bureaucracies. If 51 percent of parents in a persistently failing school sign a petition, they could force the school to change into a charter, close or replace the principal and teachers.

Similar legislation has passed in California, Texas, Ohio and Connecticut and is being considered in almost a dozen more states. Bill opponents argue that parents lack the expertise to make important policy decisions better left to career educators.

"Parent trigger shifts the debate from esoteric food fights over charter schools or teachers unions to one simple concept: giving parents power over the educational destiny of their own children," said Ben Austin, the executive director of Parent Revolution, a California-based nonprofit that helped get the legislation passed in California in 2010.

Donna Mutzenard, executive director of the Florida Education Association's Island Coast chapter, said parents need to be involved in their children's education but giving them power to change traditional public schools to charter campuses is going too far.

"I don't think parents know how to run a school," Mutzenard said. "That's why our administrators have to have master's degrees and (school boards) prefer superintendents to have doctorates. And why do we need a parent trigger bill? Anybody can start a charter school if they want. If a parent wants to start a charter school, they can just fill out an application."

**Many choices** Lee schools Superintendent Joseph Burke said parents have many choices about where to send their children to school, so he'd be against parent trigger legislation. Lee has a controlled lottery system that allows parents to pick from a variety of schools within three geographic zones.

In Collier County, schools use a combination of neighborhood and school choice systems. Students who live more than two miles from a school get transportation if they go to their neighborhood school. If a student enters and receives the district's school choice, or out-of-zone, it's bused to that school.

Lee has 26 charters and 93 traditional schools; Collier has three charters and 48 traditional public schools.

"(Turning traditional schools to charter) is something we have been giving some thought to," Burke said. "There are some bills filed right now that would give school districts more flexibility on a number of different issues. The issue of whether the school district can turn schools into charter schools is an intriguing idea. I can tell you the unions wouldn't like it because it would put them out of business."

Charter schools operate under a performance contract, or a "charter," which frees them from many regulations created for traditional public schools. Teachers and administrators get more authority to make decisions than most traditional public schools.

Charter schools tend to be small schools (median enrollment is 242 students compared to 539 in traditional public schools) and serve different communities with a wide variety of curriculum.

Mutzenard said changing all traditional schools to charters would be getting rid of public education because every school would be run its own way.

**Mixed reaction** Mendoza, the Tice Elementary parent, believes her daughter's school could benefit if it were to be changed into a charter school.

Tice, where 93 percent of students are on free and reduced lunches, has received C grades from the state in three of the past five years.

The percentage of Tice student scoring at grade level in math has dropped from 57 percent in 2007 to 53 percent in 2010, according to Florida Comprehensive Assessment Test scores. Just 64 percent of Tice students scored at grade level in reading in 2010-11.

"The school could be better," Mendoza said. "The teachers could be better."

Mendoza's daughter, 10-year-old Janet, agreed.

"I like the school, but they could teach the subjects better," she said.

Collier County teacher Inrid Walsh, who has a daughter in the sixth grade, is against the parent trigger legislation.

"If kids are struggling, you wouldn't change their home," Walsh said. "Parents blame the school, but they have to take a look at what's affecting the kids. Are their kids

absent all the time? Do parents refuse to have kids tested for learning disabilities because they don't want them to get labeled that way? Are parents taking kids to the eye doctor because maybe they can't see and that's why they're not doing well at school?"

**Compton example** California's Parent Trigger law helped make a change at an under performing school in Compton, Calif. Last fall, hundreds of parents signed a petition to replace McKinley Elementary. Parents wanted a charter school, at which students would spend more time with a staff of new teachers.

After months of legal battles, the status of that petition is tied up in court. Meanwhile, a new charter school opened near McKinley Elementary and about 33 percent of the parents who initially signed the petition enrolled their children in the charter school.

McKinley has improved since the fall. Test scores have risen slightly and administrators are more welcoming. Austin believes parents at underperforming schools such as McKinley can benefit from parent trigger legislation.

"It's the parents like those in Compton, Calif., that are trapped in schools where less than 50 percent of the kids have a chance at graduating and only 2 percent have a chance at going to college," Austin said.

But local teachers such as Riverdale High's Ileana Flores believe the problem could be helped by getting more parents involved in their children's education. She doesn't believe giving parents power to change traditional public schools would make a difference.

"I think there should be a bill for teachers to help eliminate underperforming parents," Flores said about the parent trigger legislation. "Not all of my kids come to school prepared. I think parents have a lot of control over their children's education, but they'd just rather blame the institution than take steps with their own child to improve their education."

#### **Sarasota Herald Tribune**

#### **Manatee schools' legal team assailed**

**By CHRISTOPHER O'DONNELL**

**Friday, December 2, 2011 at 1:00 a.m.**

In 2005, hiring an attorney seemed like a great way for the Manatee County School District to get better service and save money.

The district had spent more than \$200,000 on lawyers the previous year. Hiring an in-house school board attorney would result in long-term savings, officials said.

The School Board went even further, creating a legal department that included legal assistants and an investigator.

But instead of saving money, the district's annual legal costs rose from \$400,000 to more than \$1 million by 2009-10, a period when the district cut teacher pay and services to schools.

And even with two attorneys on staff, the district still routinely hired outside counsel, paying private law firms more than \$100,000 every year since 2005-06, an investigation by the Herald-Tribune found.

During the past six years, the district spent more than twice as much fighting lawsuits, firing teachers and providing legal advice to staff and board members as neighboring Sarasota County, a similar-sized district that outsources all its legal work.

Critics call it government waste, and say hiring an internal investigator created a climate of fear for teachers and other workers.

Much of that criticism has centered on School Board attorney John Bowen, who some board members say pitted the district against employees and parents in unnecessary legal battles.

The district fought for three years and spent \$209,000 trying to block the request of the parents of an autistic child to have a private psychologist observe the child at school.

The district also was sued for unfair dismissal after officials prevented some teachers from having an attorney present during disciplinary meetings.

Bowen's salary and benefits package of \$250,000 makes him the highest earner in the district, higher even than Superintendent Tim McGonegal, who is paid \$220,000 including benefits.

Doubts about Bowen's performance led School Board members to consult with an attorney about firing him.

But they backed down after learning it would cost taxpayers \$450,000 to buy him out of his contract.

Still, as they prepare for a fifth straight year of budget cuts – having already cut \$60 million during the past four years – some School Board members are now questioning whether the district can afford a legal department.

"He has done some good things but I think he has allowed us to go down some roads we shouldn't have," Board Member Bob Gause said of Bowen. "I think we have to look at going back to not having in-house counsel."

Bowen said his impression was that the district created a legal department to get better service with legal advice on hand, not to save money.

He said he has saved taxpayers an unquantifiable amount of money by making it known in legal circles that the district will no longer be an easy target for frivolous lawsuits.

He also said a policy he developed that transferred students arrested for violent crimes, such as possession of a gun, to alternative schools saved the district from potential lawsuits.

Supporters such as former School Board chairman Walter Miller, who approved hiring Bowen and setting up the legal department, say it was the right move.

"The world of educators is a highly litigious world," Miller said. "You need to have an attorney in-house who is available to staff and the Board and whose primary focus is on the business of the school board."

#### **Cost estimates off**

Before creating a full legal department in 2005, the Manatee County School District employed one staff attorney and one secretary. Bradenton attorney Mark Barnebey was regularly hired as board attorney, charging about 1,100 hours per year, records show.

With the district growing by more than 1,000 students per year at that time, district leaders said staff would need more legal advice and that it would save money in the long-term to hire a school board attorney.

A financial analysis prepared for School Board members argued that creating a legal department would only cost the district an extra \$8,000 for the 2005-06 year.

"We get a 73 percent increase in legal time and expertise for a 2.9 percent cost increase," the analysis said.

But with two attorneys and two legal assistants on staff, the district's legal costs for that year actually rose by almost \$370,000 to about \$764,000, an increase of about 93 percent. That does not include the almost \$72,000 the district paid to have a full-time investigator on staff.

The analysis allocated just \$15,000 for outside attorneys for the 2005-06 school year. But even with two attorneys now on staff, the district still paid out almost \$190,000 on private attorneys in 2005-06, records show.

The spending did not end there.

From 2006 to 2010, the district spent almost \$1.3 million on outside counsel.

Some of that was for attorneys who specialize in land-use law, as the district was constructing schools and buying land.

But the district also was hiring lawyers to handle teacher dismissals, lawsuits and labor law cases, an area in which it had in-house expertise.

It paid \$247,000 to Tampa labor and employment law firm Thompson, Sizemore and Gonzalez in 2009-10 and almost \$100,000 to the same firm the following year.

Bowen said outside counsel was only used when cases were too labor intensive, or his staff's caseload was already maxed.

"The union was requesting hearings on everything, even 3-day suspensions," he said.

The net result was that instead of the department saving the district money, costs spiraled upward, topping \$1 million in the 2009-10 school year and \$950,000 the following year.

### **Lengthy legal battles**

Bowen, a former school board attorney for Pinellas County for 10 years, has worked for school districts since 1973.

This year he was recognized by the Florida School Board Attorneys Association with an award of excellence.

But critics, including some school board members, have openly questioned Bowen's legal judgment.

One example was a district policy that denied non-union staff the right to legal representation when they met with district investigators. Workers who then refused to attend the meetings without representation were fired for not cooperating.

Two employees successfully sued the district for unfair dismissal.

The district appealed both cases in appellate court and lost. The Florida Supreme Court refused the district's appeal to hear one of the cases.

One appeals court judge ordered the district to post notices for 60 days at schools admitting that it broke the law and promising it will no longer deny representation to workers.

Bowen still insists that the appellate court ruling was wrong and said it overturned long-standing employment law.

"It was a shocker that they reached that decision," Bowen said. "It changed the employment law drastically."

Bowen's opinion has some support from Jason Bent, a law professor at Stetson Law University.

"I think there was a possibility that the commission or the courts might have gone the other way," Bent said.

The district was seen as unsympathetic in another case after denying a request from parents who wanted their child's psychologist to observe her at school

Bowen argued that granting the request would set a precedent of allowing private vendors access to the classroom.

Judges did not agree. It cost the district about \$209,000 in outside attorney fees and a settlement.

Bowen said most of the expense was to defend a counter-claim filed by the mother alleging discrimination under the Americans with Disabilities Act.

Bowen defended his record, saying his job as attorney was to advise board members and that it was ultimately their decision whether to proceed with cases and appeals. He said he always made it clear there was no guarantee of success.

But Gause said in the psychologist case Bowen failed to inform the board how critical judges had been of the district's position.

"We were saying what's changed? You've been smacked down pretty hard twice," Gause said. "It wasn't emphasized to us we're probably going to lose."

Newer school board members say they have doubts about Bowen's judgment.

"I don't think we're going to be pursuing any appeals or cases we shouldn't be pursuing," said Board Member Karen Carpenter. "The last one we had to pay out \$200,000 wasn't a happy circumstance."

#### **A new office**

The same year that the district hired Bowen, it also hired Debra Horne to lead a new Office of Professional Standards. Horne's job was to investigate allegations of unprofessional or inappropriate conduct by district workers. The office fell under the legal department.

Before that, disciplinary incidents were investigated by principals or, if more serious, by human resources staff.

Sarasota County schools follow a similar policy that allows principals to handle most school cases. On rare occasions they use an outside investigator, such as with the allegations that North Port High School principal George Kenney continued to hypnotize students after being ordered to stop.

Manatee officials said hiring a full-time investigator would mean all employees are treated equally.

But critics say it resulted in too many teachers being formally investigated for issues that could have been handled at a school level with little fuss.

According to district figures, more than 1,000 incidents have been referred to OPS since November 2005 resulting in 127 resignations, 23 dismissals and 83 suspensions without pay. OPS typically has as many as 30 open cases. The district employs about 5,000 workers.

"I think it's created a climate in our schools of fear and provided opportunities for unfounded allegations to be made against teachers and other school employees," said Pat Barber, Manatee Education Association president.

#### **'Awesome' contract**

Bowen's office on the second floor of the School Board Administration Building on Manatee Avenue is filled with highlights from his life.

On the wall hang awards for his legal work and a Purple Heart and Bronze Star from his service in the U.S. Army Infantry in Vietnam.

His drinking cup carries the Gator logo of his beloved University of Florida, where he earned his bachelor's and law degrees.

Until this year, the 67-year-old's evaluations were exemplary and he received regular public praise from Board members.

"Mr. Bowen is one of the most respected School Board attorneys in the state," wrote former board member Jane Pfeilsticker in 2010.

"Keep up the good work," wrote Miller, the former board chairman, the same year.

But this year Bowen received scathing evaluations from board members Carpenter and Julie Aranibar. The evaluation from Gause also was critical.

"Manatee also seems to lose cases that are costly in terms of dollars and voter confidence," Carpenter wrote in her appraisal.

As a result, board members quietly met with Bradenton attorney Cliff Walters in July to discuss if they had grounds to fire Bowen.

But board members took no action after they were advised it could mean a lengthy and expensive wrongful dismissal lawsuit. Buying Bowen out of his three-year contract that runs until June 2013 would cost about \$450,000.

"He has an awesome contract," said Gause, who was the lone vote against renewing Bowen's contract in 2010. "The contract read like he wrote it for himself and the board approved it."

Bowen said the contract was negotiated between himself and Barnebey, who was then the district's attorney.

This summer, the district took a first step toward scaling back the legal department. The position of staff attorney was left vacant after McGonegal promoted Scott Martin to assistant superintendent.

That still leaves Bowen working with some board members who have little faith in him.

Aranibar has refused to meet individually with Bowen unless she has her own attorney present.

Carpenter openly calls Bowen a bully who gives the board bad advice.

Gause admits that the situation is a mess but insists relations between Bowen and most board members have improved recently.

Still, he expects the board to schedule a workshop next year to discuss whether to replace Bowen or to go back to having outside counsel when Bowen's contract expires.

Bowen plans to retire when his contract runs out. He will be 69. "I'm disappointed that two of them don't have confidence in me.

"That's disappointing."

[New York Times](#)

[Exam Cheating on Long Island Hardly a Secret](#)By JENNY ANDERSON and PETER APPLEBOME

GREAT NECK, N.Y. — The suspected test takers came from prominent, respected families, some of them in financial distress — among the five facing felony charges were



the sons of a well-known lawyer, the president of the local library board and a wealthy philanthropic family.

## New York Times

### Opinion

#### [Sins of the Parents](#)

By **LINDA GREENHOUSE**

[Linda Greenhouse](#) on the Supreme Court and the law.

In the current race to the bottom to see which state can provide the most degraded and dehumanizing environment for undocumented immigrants, [Arizona](#) and [Alabama](#) have grabbed the headlines. But largely unnoticed, it is Florida, home to nearly one million Cuban refugees and their descendants, that has come up with perhaps the most bizarre and pointless anti-immigrant policy of all.

## Education Week

Published Online: December 2, 2011

#### [NCLB Waiver Plans Offer Hodgepodge of Grading Systems](#)

By **Michele McNeil**

States seeking waivers under the No Child Left Behind Act are hoping to replace what is widely considered an outdated, but consistent, school accountability regime with a hodgepodge of complex school grading systems that are as diverse as the states themselves


## Education Week

Published Online: December 1, 2011

#### [Survey Shows Nearly All States Can Track Data on Students](#)

By **Sarah D. Sparks**

Nearly all states now have comprehensive data systems that allow them to track students' academic careers over time, and state officials are starting to dig into using the mountains of information, according to the sixth annual national survey on the subject.

The [Data Quality Campaign](#) , a Washington-based nonprofit group that promotes data use in education, released the report Thursday at noon. For the first time, the survey focused on governors' perspectives on state longitudinal-data systems, as opposed to the systems' technical capacity

## Education Week

### State Ed Watch Blog

#### [Report Ranks Districts on Promoting School Choice, Competition](#)

By Sean Cavanagh on November 30, 2011 2:10 PM Which school districts offer the friendliest environments for school choice and competition? A new report attempts to answer that question, and it puts New York, Chicago, and Duval County, Fla., among others, at the top of the list.

## Broward Palm Beach New Times

### Mavericks High Charter Schools Not Accredited

By **Lisa Rab**

Thu., Dec. 1 2011 at 1:31 PM

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Records show that the Mavericks in Education Florida charter schools, which have a high-profile lobbyist and cheerleader [in Frank Biden](#), are not accredited high schools. This means their graduates may have trouble playing college sports or receiving federally funded grants or scholarships to college.

The Fort-Lauderdale based, for-profit Mavericks currently has eight charter schools in Florida, including two in Broward, two in Miami-Dade, and one in Palm Beach County. The company aims to educate teenagers who would otherwise drop out of high school. None of the existing Mavericks schools is listed in the [database](#) of schools accredited by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS).

In reports submitted to the Florida Department of Education in 2010, two Mavericks schools, in Osceola and North Miami-Dade, said they were not accredited. Two others, in Homestead and Pinellas County, said they would be seeking accreditation in 2011. But there is no evidence in the SACS database that any Mavericks school has received accreditation.

According to the [Florida Consortium of Public Charter Schools](#), accreditation is crucial for students who want to play college sports, join certain military programs, or receive help paying for college.

"Most colleges and universities require students to graduate from regionally accredited high schools. In addition, students who apply for sports programs, federal state grants and scholarships, and military programs must graduate from an accredited school," the FCPCS website states.

Mavericks manager Lauren Hollander recently told *New Times* that half the charter chain's graduates go on to postsecondary education and about a quarter join the military. Indeed, [Mavericks' website](#) touts such accomplishments: "As a holder of a Florida high school diploma, graduates will be able to compete with other public and private high school graduates for jobs and acceptance into colleges, universities and the military."

Many Florida community colleges – and the University of Florida – do not require students to graduate from an accredited high school. The U.S. Army has [different recruiting levels based on education](#). It's unclear whether Mavericks students, who do most of their coursework online, would be considered top-tier or second-tier recruits.

Hollander could not immediately be reached for comment today.

## Hometown News Volusia County

### [School board member 'on fire' for education](#)

Posted: 2011 Dec 02 - 00:15

By Patrick McCallister

VOLUSIA COUNTY - Judy Conte is an unapologetic firebrand for public education.

A blunt-speaking frequent critic of the Florida Legislature, she's butted heads with the Volusia Teachers Organization and voted to close schools - with visible steeliness - in front of angry citizens.

## FL Today

### [Florida Tech unveils new \\$350K aviation simulators](#)

#### Devs mimic Brevard County airspace

12:04 AM, Dec. 2, 2011

The flight simulators will complement the aviation program's fleet of 60 Piper aircraft, which are used to train student pilots at FIT Aviation LLC, a wholly owned subsidiary of Florida Tech and an integral part of the College of Aeronautics. The program has 700 students, many of whom are international.

"We are dedicated to becoming one of the leading global centers for flight training," said Florida Tech President Anthony Catanese.

The flight simulators are an exact replica of the controls of a Piper Seminole aircraft.

*Deborah Higgins*

Information Specialist  
Florida Department of Education

Office of Communications

325 W. Gaines Street, Room 1524

Tallahassee, Florida 32399-0400

850-245-0413

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