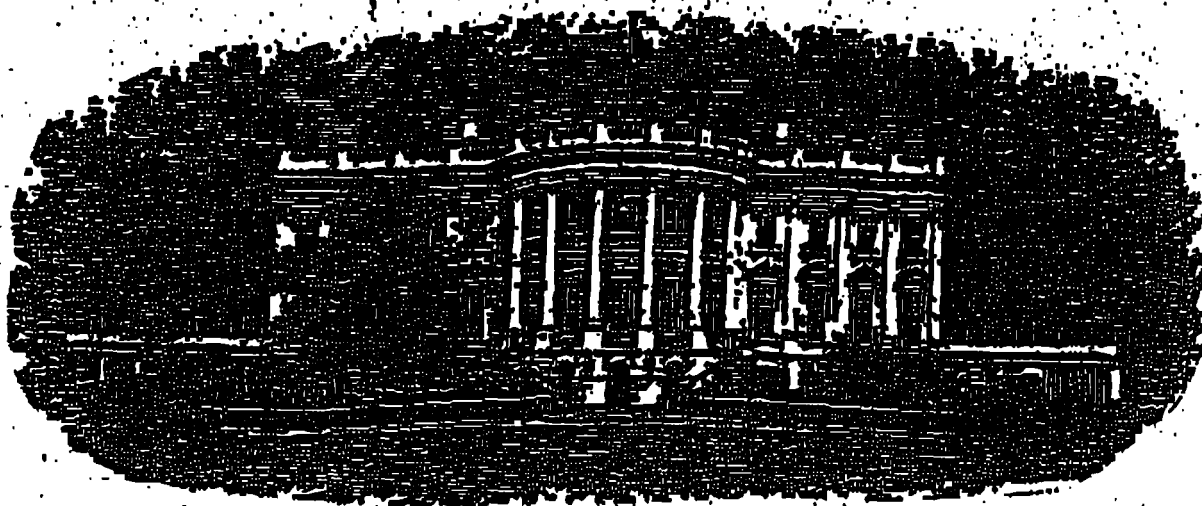


THE WHITE HOUSE



PRESS OFFICE

FAX: (202) 456-6201
PHONE: (202) 456-7150

TO: JB Puxton / Bethany Little *Since you're from FLA*

FROM: Steve Boyd at 65670

DATE: 1/20/00

RECEIVER FAX: ~~65670~~ 67028

RECEIVER PHONE: _____

NUMBER OF PAGES (INCLUDING COVER SHEET): 5

COMMENTS: Gov Jeb Bush of claiming
Admin support of One Florida Plan
- see Dep & Fed letter attached &
Gov's release

Tampa Tribune asking us for rxn.



JEB BUSH
GOVERNOR

FOR IMMEDIATE RELEASE
JANUARY 18, 2000

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

CONTACT: ELIZABETH HIRST
(850) 488-5394

GOVERNOR BUSH ENCOURAGED BY CLINTON/GORE ADMINISTRATION'S APPROVAL OF ONE FLORIDA EDUCATION PLAN

TALLAHASSEE - Governor Jeb Bush today praised the U.S. Department of Education's Office of Civil Rights ("OCR") for its review and approval of his Equity in Education Plan, including the Talented 20 percent Program. In a letter dated January 14, 2000, on the eve of the Martin Luther King, Jr. holiday weekend, Mr. Gary S. Walker, Director of the Atlanta Office of Civil Rights, Southern Division, determined that "the Governor's Executive Order and the Equity in Education Plan advance the goals of the Partnership Commitments as set forth in the existing Florida/OCR Partnership Report regarding Florida's higher education system."

"The letter from the U.S. Department of Education's Office for Civil Rights is encouraging in that it will allow us to pursue the One Florida strategy to enhance diversity in our state university system," said Governor Bush.

In his letter, Mr. Walker stated, "In sum our preliminary assessment is that the Executive Order and the Equity in Education Plan can be reconciled with the Partnership Commitments' overall goal of expanding access for minority students to higher education."

Governor Bush asked OCR to review his Executive Order and his Equity in Education Plan in light of the state's existing Partnership Agreement. OCR has reviewed the Plan, and has met with representatives of the state university system and Governor Bush's office. OCR has completed its preliminary review and has agreed that Governor Bush's Equity in Education Plan includes specific initiatives targeted toward low achieving elementary and secondary public schools in Florida that advance the goal of increasing diversity in Florida's colleges and universities.

"I thank the OCR for its prompt response, and I look forward to working cooperatively with OCR through the Partnership to assure that together we reach the overall goal of expanding access for minority students to higher education," said Governor Bush.

Governor Bush's One Florida Plan was announced on November 9, 1999, and will enhance diversity and opportunity in the state's university system and in state procurement efforts.

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01/18/2000 08:28

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JAN-14-00 16:55 From:

GEN COUNSEL

1-318 P.02/00 PAGE 03



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
ATLANTA OFFICE, SOUTHERN DIVISION
61 FORSYTH STREET, SW
SUITE 19T70
ATLANTA, GEORGIA 30303

January 14, 2000

Chancellor Adam W. Herbert
State University System of Florida
325 West Gaines Street
Suite 1514
Tallahassee, Florida 32399-1950

Dear Chancellor Herbert:

Subsequent to our meeting of December 7, 1999, with you, members of your staff and the Governor's office, we indicated that we would continue our review of the Governor's Executive Order and the Equity in Education Plan in light of the existing Florida/United States Office for Civil Rights (OCR) Partnership Report and Commitments (Partnership Commitments) and provide you with some preliminary feed-back before the next Board of Regents meeting scheduled for January 21, 2000. During our December 7 meeting, OCR was provided with additional information and statistical projections for enrollments under the Talented 20% Program. We were also given a copy of the draft report of the Talented 20 Implementation Task Force. The draft report sets out in greater detail guidelines for the implementation of the Talented 20 Program, the Profile Assessments Program, and the coordination process between the State University System (SUS) institutions, school districts, Florida Department of Education and the Chancellor's office.

First, with regard to elementary and secondary programs, our preliminary view is that the Governor's Executive Order and the Equity in Education Plan advance the goals of the Partnership Commitments. In particular we note many specific initiatives targeted toward low achieving elementary and secondary public schools in Florida that correlate directly with the Partnership Commitments. Some of these areas include: 1) promoting staff development for teachers; 2) hiring qualified teachers; 3) aligning academic instruction with graduation standards; 4) raising GPA, high school competency test scores, and 10th grade access to the PSAT; 5) increasing support for the College Reach Out Program; and, 6) providing and ensuring equity in programmatic areas and finding support to low-performing schools under the A+ Plan and through the work of the Equity in Education Opportunity Task Force. In addition, at the community colleges level, the Governor's Equity in Education Plan supports the Partnership Commitments by recommending increased support for retention and remediation reduction programs, and efforts to increase the graduation rates in 4-year programs.

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JAN-14-00 16:53 From:

GEN COUNSEL

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Chancellor Herbert

Page 2

At the SUS level, the Partnership Commitments were intended to expand access to higher education and increase the retention and graduation of minority students in the SUS, as well as to enhance the programs at Florida A & M. To achieve this, the SUS continued the use of alternative admission program as a means of broadening the opportunities of all students, including minorities, to attend the SUS. Under the Partnership Commitments, alternative admission criteria must take into account an applicant's academic ability, but consideration may also be given to the applicant's creativity, talent, and character. The SUS articulated a continuing goal of diversity in the composition of the student population in the SUS. Alternative admissions criteria have been used by the SUS to provide access to a diverse group of students, minority and non-minority, who otherwise would not have been eligible under traditional admission criteria.

The Executive Order and the Equity in Education Plan, at the SUS level, appear to add another avenue for admission to the SUS through the implementation of a new Talented 20% Program and to replace the Alternative Admission Program with the Profile Assessment Program. Under the Talented 20% Program students who do not meet traditional admission criteria will, under certain conditions, be guaranteed admission to one of the ten institutions in the SUS. This guarantee is extended to the top 20% of each graduating class from each public high school in Florida. Under the Profile Assessment program, up to 10% of each entering freshman class in the SUS can include students who do not meet traditional admission criteria, do not qualify under the Talented 20% Program, but who have demonstrated through their academic abilities and other factors that they can carry out a successful academic program in the SUS. Twenty five factors, including first time in college, geographic location, graduation from a low-achieving school, and socio-economic factors, may be considered for those students admitted under the Profile Assessment.

In sum, our preliminary assessment is that the Executive Order and the Equity in Education Plan can be reconciled with the Partnership Commitments' overall goal of expanding access for minority students to higher education. However, we do have some concerns as to the implementation of the Talented 20% Program and the Profile Assessment Program. If the Plan is adopted, we will need to work together to incorporate the elements of the Plan into the Partnership Commitments in a way that will continue to reinforce the spirit and goals of the Commitments. To this end, the monitoring provisions of the Partnership Commitments would be revised to seek information regarding the impact of the Plan, once it is implemented, on the various sections of the Commitments, particularly with respect to its impact on access to higher education for minority students. For example, OCR will ask for information on how the Talented 20% Program and the Profile Assessment Program will impact access to minority students in each of the individual SUS institutions at the undergraduate level.

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JAN-14-00 18:56 From:

GEN COUNSEL

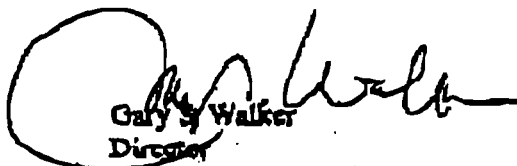
PAGE 05
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Chancellor Herbert
Page 3

With respect to graduate and professional schools, it is OCR's understanding that you have proposed a delay in implementing the Governor's Plan until academic year 2001-2002. If your recommendation is accepted, there would be no immediate impact on the provisions in the current Commitments related to access for minority students to graduate and professional schools. Thus, the State would continue to implement those provisions per the current Commitments for academic year 2000-2001. If our understanding is not correct, however, please contact me immediately so that we can discuss this issue before your January 21 meeting. Once the Governor's Plan is implemented at the graduate and professional schools level, OCR will ask for information on how the plan will impact access to minority students in graduate and professional programs.

I am confident that OCR and the State can continue our work to ensure that the fundamental goals of the Partnership Commitments are fulfilled. Please keep us informed of all developments in the implementation of the executive order and the Equity in Education Plan, and with the work of the Partnership Team. Please be advised that we are in receipt of the 1999 Florida/United States Office for Civil Rights Partnership Agreement Interim Report, dated December 30, 1999. We will review this report and respond to the Partnership Team after the completion of our review. If you have any questions or concerns, please feel free to contact me directly.

Sincerely,


Gary S. Walker
Director
Atlanta Office for Civil Rights
Southern Division

c: Carol A. Licko
Regina E. Safer



UNITED STATES DEPARTMENT OF EDUCATION

PUBLIC AFFAIRS

OFFICE OF THE DIRECTOR

FAX TRANSMITTAL

TO:

Andy

PHONE:

FAX:

456-7028456-5581

FROM:

OFFICE OF PUBLIC AFFAIRS

Eric

PHONE:

202-401-3026

FAX: (202) 260-7753

PAGE(S) TO FOLLOW:

2 47

MESSAGE:

Resending
(3 relevant letters)

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

JAN 19 2000

The Honorable Corrine Brown
United States House of Representatives
2444 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Carrie Meek
United States House of Representatives
401 Cannon House Office Building

Dear Representatives Brown and Meek:

This is in reference to Representative Brown's telephone call to me on January 19, 2000. During our conversation, Representative Brown stated that she is concerned that the Office for Civil Rights' January 14, 2000 letter to Chancellor Herbert regarding Governor Bush's Executive Order/Equity in Education Plan (the "Plan"), is being interpreted by some State officials as an endorsement of the Governor's Order ending the use of race-based affirmative action in the State of Florida. During our conversation, I clarified that this is not the intent of the January 14 letter. I explained further what is in fact the purpose, scope and intent of that letter. Per Representative Brown's request, I am providing that explanation in writing to her and Representative Meek.

On January 14, 2000, Gary Walker, Director of our Atlanta Office for Civil Rights, sent a letter to Chancellor Adam W. Herbert of the State University System of Florida that provides preliminary feedback regarding the Governor's Plan in light of the existing Florida/United States Office for Civil Rights Partnership Report and Commitments (Commitments). The letter addresses the State's ability to continue to fulfill the Partnership Commitment's overall goal of expanding access to minority students to educational opportunities if the Governor's Plan is adopted. With respect to postsecondary education programs, the letter states:

[O]ur preliminary assessment is that the Executive Order and the Equity in Education Plan can be reconciled with the Partnership Commitments' overall goal of expanding access for minority students in higher education. However, we do have some concerns as to the implementation of the Talented 20% Program and the Profile Assessment Program. If the Plan is adopted, we will need to work together to incorporate the elements of the Plan into the Partnership Commitments in a way that will continue to reinforce the spirit and goals of the Commitments.

Representatives Corrine Brown and Connie Meek – page 2

Our January 14 letter was directed at the important but narrow issue of Florida's obligations under its Partnership Commitments. However, as the Commitments do not require the use of race-based affirmative action, the letter does not address the issue of affirmative action or the Governor's decision to end its use in the State of Florida. We recognize that the Governor's plan has raised substantial concerns regarding the elimination of race-based affirmative action. As we discussed, the Department strongly supports appropriately-tailored affirmative action measures consistent with the President's policy of "mend it, don't end it." It is the Department's position that, under the Constitution and Title VI of the Civil Rights Act of 1964, it is permissible in appropriate circumstances for colleges and universities to consider race in making admissions decisions. They may do so to promote the educational benefits of diversity consistent with Justice Powell's landmark decision in *Regents of the University of California v. Bakke*. They may also do so to remedy the continuing effects of discrimination. As Secretary of Education Richard Riley stated in his "Dear Colleague Letter" dated March 19, 1997, regarding the passage of California's Proposition 209, which generally prohibits the use of affirmative action, "I continue to believe that appropriately-tailored affirmative action measures are educationally sound tools to remedy the effects of prior discrimination and to foster diversity at educational institutions." I am enclosing a copy of the Secretary's March 1997 letter for your information.

With respect to the more narrow issues addressed in the Partnership Commitments, we will continue to work with the State of Florida to ensure that the goals of the Commitments are in fact fulfilled. I hope this letter is helpful in addressing your concerns. Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Raymond C. Pierce". The signature is fluid and cursive, with the first name "Raymond" being more prominent than the last name "Pierce".

Raymond C. Pierce
Deputy Assistant Secretary
For Civil Rights

Enclosure



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

November 10, 1999

Ms. Norma V. Cantu
Assistant Secretary for Civil Rights
U.S. Department of Education
330 "C" Street, S.W., Suite 5000
Washington, DC 20202

Ms. Suong Mai Cavalli
Chief Civil Rights Attorney
U.S. Department of Education
61 Forsythe Street, SW, Suite 19T70
Atlanta, Georgia 30303

Dear Ms. Cantu and Ms. Mai Cavalli:

Yesterday, Governor Jeb Bush announced his plan for *One Florida*—a plan to end racial, ethnic and gender-based preferences, set-asides and quotas in our State's government enterprises and in the allocation of state contracts, while increasing diversity. With respect to the Florida/OCR Partnership Agreement, it continues to be the policy of this Administration to support equal education opportunities for all Floridians; to prohibit discrimination in education because of race, creed, color or national origin; and, to promote the full realization of equal educational opportunities throughout the State. Through Executive Order 99-281, Governor Bush has requested that the Board of Regents implement a policy prohibiting the use of racial or gender set-asides, preferences or quotas in admissions to all Florida institutions of higher education, effective immediately. A copy of the Order is enclosed.

Also, I have enclosed a copy of our Equity in Education Plan. This comprehensive plan has been developed in consultation with, and with the cooperation of, the chancellor of our State University System, Chancellor Adam W. Herbert. As you will note, our Plan includes a new Talented 20 program, which guarantees admission to one of Florida's state universities to students in the top 20% in each Florida public high school graduating class who have completed a college preparatory curriculum. This plan will increase the number of students, including those who are minority and economically disadvantaged, admitted into one of our public universities.

Every student in the top 20% of his/her class will also be given priority in need-based financial aid awards. To assist financially needy Talented 20 students, the Governor is recommending an increase of 43% in Florida's need-based scholarship programs. In addition, a new Profile Assessment process will be utilized in lieu of the alternative admission process, and will supplement the Talented 20 program.

NOV 16 1999

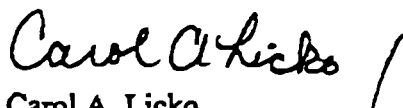
Ms. Norma V. Cantu
Ms. Suong Mai Cavalli
November 10, 1999

Through the Equity in Education Plan, we will ensure that even more high school minority students are challenged academically and are prepared for being admitted to the university system without remediation, and in accordance with the system's standards. Our goal is to equip all of Florida's students for higher education by ensuring that care has been exercised at every level of their secondary experience by providing them and their schools with the necessary resources to succeed. Our state's success in higher education depends on our students' preparation and success at the secondary level.

Florida is prepared to do more than any other state in the nation to enhance diversity at the post-secondary level without having to rely on the policies of the past.

We look forward to your cooperative support of this Plan in the new millennium.

Sincerely,



Carol A. Licko
General Counsel

Enclosures: Plan
Executive Order 99-281

c: Dr. Adam W. Herbert w/o enclosures
Regina E. Sofer w/o enclosures