

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7121 PCB EPC 09-03 Distance Learning

**SPONSOR(S):** Education Policy Council; Rep. Culp

**TIED BILLS:**

**IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Education Policy Council	10 Y, 0 N	Brock	Cobb
1)				
2)				
3)				
4)				
5)				

**SUMMARY ANALYSIS**

The bill establishes the Florida Distance Learning Consortium to facilitate collaboration among public postsecondary education institutions in their use of distance learning to increase student access to associate and baccalaureate courses and degree programs, to support institutions in their use of technology, and to help build partnerships among the institutions, businesses, and communities.

The bill provides a definition of distance learning and clarifies that only courses meeting this definition can be assessed the distance learning fee authorized in ss. 1009.23 and 1009.24, F.S. The bill clarifies the placement of a link for the Florida Distance Learning Catalog on an institution's website.

The bill has no fiscal impact; however there may be an indeterminate positive fiscal impact to undergraduate students taking distance learning courses because the bill clarifies that only distance learning courses complying with a specified definition of distance learning can be assessed the statutorily authorized distance learning course user fee.

The bill takes effect upon becoming a law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### *Florida Distance Learning Task Force*

Chapter 2008-128, Laws of Florida, established the Florida Distance Learning Task Force and designated its membership to include nine members appointed by the chancellors of the Division of Community Colleges and the Board of Governors. The Task Force was required to submit to the Governor, the President of the Senate, the Speaker of the House, the State Board of Education, the Board of Governors, and the university and community college boards of trustees, a report that provided recommendations including:

- Management and promotion of the Florida Higher Education Distance Learning Catalog.
- Specify a definition of a distance learning course.
- Creation of a central content repository for instructional resources.
- Process for negotiating statewide licensing and pricing agreements for distance learning resources.
- Plan for developing and implementing an online system that streamlines and automates the registration process for students interested in enrolling in a course listed in the Florida Higher Education Distance Learning Catalog.
- Future role of the Florida Distance Learning Consortium.

The task force submitted its report on February 26, 2009 and identified five major substantive policy findings and recommendations for legislative consideration:<sup>1</sup>

- Establish the Florida Distance Learning Consortium in statute as a statewide higher education collaborative with responsibilities and accountability.
- Adopt a definition of "distance learning" for the purpose of assessing the distance learning fee.
- Promote access for students by requiring postsecondary institutions to provide link to the distance learning catalog.
- Finalize the plan for implementing online registration process.

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<sup>1</sup> Presentation by Co-Chair of the Florida Distance Learning Task Force to the House State & Community Colleges & Workforce Policy Committee on March 10, 2009. The *Florida Distance Learning Task Force: Final Report*, February 26, 2009, contains 23 recommendations on a variety of distance learning issues.

- Continue development of central content repository to provide open access textbook opportunities for students.

The Florida Distance Learning Task Force expires July 1, 2009.

### *Florida Higher Education Distance Learning Catalog*

The Florida Higher Education Distance Learning Catalog is an Internet-based central point of access to distance learning courses, degree programs, and resources offered by public postsecondary education institutions. This statute requires institutions listing distance learning courses and degree programs to provide clear, complete, and timely information concerning requirements for the course and degree program; the type of required technology and technical equipment; any prerequisite courses or technology competencies; the availability of academic support services and financial aid resources; and the costs, fees, and payment information and policies.<sup>2</sup>

### *Distance Learning Course User Fee*

Community colleges and the state universities are authorized to assess a student who enrolls in a distance learning course listed in the Florida Higher Education Distance Learning Catalog a per-credit-hour distance learning course user fee.<sup>3</sup>

## **Effect of Proposed Changes**

### *Florida Distance Learning Consortium*

The bill establishes the Florida Distance Learning Consortium. The consortium is to facilitate collaboration among the public postsecondary education institutions in their use of distance learning to increase access to associate and baccalaureate courses and degree programs; to support institutions in their use of technology; and to help build partnerships among the institutions, businesses, and communities.

The Board of Governors and the State Board of Education must exercise joint oversight of the consortium and must establish, in consultation with the consortium, the administrative and operational guidelines and processes of the consortium. The consortium is authorized to contract with a public postsecondary education institution for administrative services. The fee charged by the institution for administrative services may not exceed the actual cost for providing the services. The bill lists the specific responsibilities of the Florida Distance Learning Consortium to:

- Manage and promote the Florida Higher Education Distance Learning Catalog.
- Develop a plan to address the implementation of a streamlined, automated, on-line registration process that includes recommended fiscal and policies changes, expedited course credit transfer methods, and technology security guidelines.
- Coordinate the negotiation of statewide licensing and preferred pricing agreements for distance learning resources.
- Develop and operate a central instructional content repository and a plan for increasing the use of open access textbooks.
- Identify and evaluate new technologies and instructional methods that can be used for improving distance learning instruction.
- Identify methods that will improve student access to and completion of undergraduate distance learning courses and degree programs.

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<sup>2</sup> Section 1004.09, F.S.

<sup>3</sup> Sections 1009.23 & 1009.24, F.S.

The bill amends ss. 1009.23 and 1009.24, F.S., to clarify that each community college and state university must prominently display, within the advising and distance learning sections of the institution's website, a graphic and description of the Higher Education Distance Learning Catalog as provided by the consortium.

*Distance Learning Course User Fee*

The bill also amends ss. 1009.23 and 1009.24, F.S., to clarify that for purposes of assessing the distance learning course user fee a distance learning course is defined to mean a course where at least 80% of the direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time, space, or both.

**B. SECTION DIRECTORY:**

**Section 1:** Creates s. 1004.091, F.S., establishing the Florida Distance Learning Consortium and providing duties including: management of the Florida Higher Education Distance Learning Catalog; development of a plan for streamlined registration; negotiation of statewide licensing agreements for distance learning resources; development and operation of a central instructional content repository; evaluation of technology security standards; and identification of methods to improve student access to and completion of undergraduate distance learning courses and degree programs.

**Section 2:** Amends s. 1009.23, F.S., as it relates to community colleges, clarifying the assessment of the distance learning course user fee and the location of the link to the Florida Higher Education Distance Learning Catalog on each college's website.

**Section 3:** Amends s. 1009.23, F.S., as it relates to community colleges, clarifying the assessment of the distance learning course user fee and the location of the link to the Florida Higher Education Distance Learning Catalog on each college's website.

**Section 4:** Provides an effective date upon becoming law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill does not appear to affect state government revenues.

2. Expenditures:

The bill does not appear to affect state government expenditures.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to affect local government revenues.

2. Expenditures:

The bill does not appear to affect local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

The 2008 General Appropriations Act appropriated funds to the Distance Learning Consortium through the community/state college special appropriation # 128 at \$345,391 and the state university system special appropriation #161A at \$334,026. In the 2009 Special Session A, each appropriation was reduced by approximately \$20,000.

There may be an indeterminate positive fiscal impact for students who previously paid distance learning fees for courses that now do not meet the new definition of distance learning. Further, to the extent that the bill results in expedited course and degree completion for students, there may also be savings to the students and the state.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable. The bill does not appear to require a city or county to expend funds or to take any action requiring expenditures; reduce the authority that municipalities or counties had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities as of February 1, 1989.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On April 1, 2009, the Education Policy Council adopted the proposed council bill with one amendment and reported the bill favorably. The amendment clarifies that the Florida Distance Learning Consortium must coordinate the negotiation of statewide licensing and preferred pricing agreements for distance learning resources and enter into agreements that result in cost savings with distance learning resource providers to give postsecondary institutions the opportunity to benefit from the cost savings.