

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Committee

**BILL:** CS/SB 844

**INTRODUCER:** Higher Education Committee and Senator Oelrich

**SUBJECT:** Postsecondary Distance Learning

**DATE:** April 7, 2009                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	HE	<b>Fav/CS</b>
2.	_____	_____	HI	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This bill would establish the Florida Distance Learning Consortium to do the following:

- Facilitate collaboration among public postsecondary education institutions in their use of distance learning;
- Increase student access to associate and baccalaureate courses and degree programs;
- Support institutions in their use of technology; and
- Help build partnerships among the institutions, businesses, and communities.

The bill would define distance learning and clarify that only courses meeting the definition could be assessed the distance learning fee authorized for community colleges<sup>1</sup> and universities.<sup>2</sup> The bill would clarify the placement of a link for the Florida Distance Learning Catalog on an institution's website.

<sup>1</sup> s. 1009.23, F.S.

<sup>2</sup> s. 1009.24, F.S.

This bill amends ss. 1009.23 and 1009.24, Florida Statutes. The bill creates s. 1004.091, Florida Statutes.

## II. Present Situation:

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

The 2008 Legislature established the Florida Distance Learning Task Force<sup>3</sup> and designated its membership to include nine members appointed by the chancellors of the Division of Community Colleges in the Department of Education and the Board of Governors (BOG). The task force was required to submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Board of Education, the Board of Governors, and the university and community college boards of trustees, a report that provided recommendations including:

- The management and promotion of the Florida Higher Education Distance Learning Catalog;
- Specifying a definition of a distance learning course;
- The creation of a central content repository for instructional resources;
- A process for negotiating statewide licensing and pricing agreements for distance learning resources;
- A 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; and
- The future role of the Florida Distance Learning Consortium.

The task force submitted its report on February 26, 2009 and identified the following substantive policy recommendations for legislative consideration:

- Establish the Florida Distance Learning Consortium in law 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 a link to the distance learning catalog;
- Finalize the plan for implementing online registration process; and
- Continue development of central content repository to provide open access textbook opportunities for students.

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

### **The Florida Higher Education Distance Learning Catalog**

The Florida Higher Education Distance Learning Catalog<sup>4</sup> is an Internet-based central point of access to distance learning courses, degree programs, and resources offered by public postsecondary education institutions. Institutions listing distance learning courses and degree

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<sup>3</sup> ch. 2008-148, L.O.F.

<sup>4</sup> s. 1004.09, F.S.

programs must 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.

#### **The 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.

### **III. Effect of Proposed Changes:**

#### **The Florida Distance Learning Consortium**

This bill would establish the Florida Distance Learning Consortium to do the following:

- Facilitate collaboration among public postsecondary education institutions in their use of distance learning;
- Increase student access to associate and baccalaureate courses and degree programs;
- Support institutions in their use of technology; and
- Help build partnerships among the institutions, businesses, and communities.

The Board of Governors (BOG) and the State Board of Education (SBE) would jointly oversee the consortium and, in consultation with the consortium, establish its administrative and operational guidelines and processes. The consortium could contract with a public postsecondary education institution for administrative services. The fee charged by the institution for administrative services could 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;
- Consult with the Florida College System and the State university System in the development of 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; and
- Identify methods that would improve student access to and completion of undergraduate distance learning courses and degree programs.

#### **The Florida Higher Education Distance Learning Catalog**

The bill would 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.

**The Definition of a Distance Learning Course and Authorization for a Distance Learning Course User Fee**

The bill would define a distance learning course as one in which at least 80 percent 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. A community college or state university course would have to meet this definition in order for the institution to assess the distance learning course user fee.

**Other Potential Implications:**

There could be a positive fiscal impact to students and the state if the bill results in expedited course and degree completion.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The 2008 General Appropriations Act appropriated funds for distance learning, as follows:

Specific Appropriation # 128, community colleges \$345,391

Specific Appropriation # 161A, the State University System \$334,026.

There could be an indeterminate positive fiscal impact for students and the state to the extent that the bill resulted in expedited course and degree completion for students.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Higher Education on April 6, 2009:**

The committee substitute would:

- Establish the Florida Distance Learning Consortium and provide its responsibilities;
- Require the Board of Governors and the State Board of Education to jointly oversee the consortium;
- Define distance learning for purposes of assessing the distance learning course user fee; and
- Require institutions to display links to the Distance Learning Catalog on their websites.

**B. Amendments:**

None.