

**STORAGE NAME:** h4259a.ed

**DATE:** April 3, 1998

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
EDUCATION APPROPRIATIONS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 4259 (formerly known as PCB CCCP 98-05)

**RELATING TO:** Postsecondary Education

**SPONSOR(S):** Committee on Community Colleges and Career Prep, Rep. Sindler, and others

**COMPANION BILL(S):** SB 2100 by Senator Forman

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY COLLEGES AND CAREER PREP YEAS 12 NAYS 1
  - (2) EDUCATION APPROPRIATIONS YEAS 14 NAYS 0
  - (3)
  - (4)
  - (5)
- 

**I. SUMMARY:**

This bill contains provisions relating to public and nonpublic postsecondary education. Specifically, the bill affects governance of community colleges and nonpublic career educational institutions, removes certain administrative barriers, and affects several other postsecondary education issues.

Governance provisions in the bill: direct the State Board of Community Colleges to investigate the need for, and feasibility of, limited baccalaureate degrees at community colleges, and rename the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools to the State Board of Nonpublic Career Education.

Provisions that remove administrative barriers: remove a rule requirement related to the Vocational Improvement Program, provide a mechanism for the statewide acceptance of appropriate dual enrollment courses, align two reporting dates for the State Board of Community Colleges, and create an alternative application deadline for the Florida Student Assistance Grant.

Other provisions clarify the requirements and benefits of the college-ready diploma, require community colleges to notify students of alternative remedial education instructional opportunities, and permit Academic Improvement Trust Fund grants, loans, or scholarships to be awarded based on need rather than merit.

The total fiscal impact is indeterminate at this time.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

**Governance**

***Baccalaureate Degrees at Community Colleges***

According to their 1998 master plan, under the goal of providing "*increased opportunities for access to higher education,*" the Postsecondary Education Planning Commission (PEPC) identifies several responses to the access needs in our state; one of which is to authorize community colleges to offer selected baccalaureate degrees. PEPC recommends that the State Board of Community Colleges determine the need and costs for offering limited baccalaureate degrees at community colleges and report to PEPC for submission to the legislature. Due to accreditation issues, PEPC recommends that it (PEPC) be charged with program approval for baccalaureate degrees at community colleges.

***SBIPVTTBS***

The State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS) issues a license for certain nonpublic career education programs as specified in section 246.201, F.S. However if a nonpublic career education institution is exempt (as also specified in statute), the board does not issue any kind of statement of exemption and has no recourse against schools which are exempt but violate that exemption.

**Administrative Barriers**

***Vocational Improvement Program***

The Department of Education administers the Vocational Improvement Program pursuant to s. 239.225, F.S., and a rule which is required in that same statute. Funds have never been appropriated but there is a standing rule for the application and distribution of funds. The Department has requested that the language *requiring* the rule be removed. Later in the same statute, there is a provision for rules which *may* be adopted to administer the program, should an appropriation be made in the future.

***Dual Enrollment***

Community colleges and school districts weight dual enrollment courses differently than honors and advanced placement courses in calculating grade point averages (GPA). This could discourage students from entering dual enrollment courses because their unweighted GPA is penalized when compared to weighted advanced placement courses. Additionally, there are a few dual enrollment courses which are conducted at a single site with statewide appeal with numerous counties participating (such as Girls' State and Boys' State). Credit for these courses is articulated based on local agreements, consequently, an agreement must be reached with all 67 school districts before credit is accepted statewide.

***Reporting Dates***

The State Board of Community Colleges annually prepares a strategic plan and an accountability plan, both of which have to be reported to the legislature but with different deadlines. The two plans contain similar information which requires a duplication of effort to assimilate for the two separate deadlines.

***Florida Postsecondary Student Assistance Grant***

There is a single application filing deadline for the Florida Postsecondary Student Assistance Grant. If a student misses the deadline they cannot access the funds. For example, a student might miss the first deadline if they are not planning to attend college in the fall, but decide to attend in the spring, they would be unable to access this grant program under the current process. Other grant programs, such as the Florida Public Student Assistance Grant Program (s. 240.409(2)(d), F.S.), have multiple application deadlines.

### Other Issues

#### ***College Ready Diploma***

Current statute, s. 232.2466, F.S., is unclear regarding specific requirements for receiving a college ready diploma and whether a recipient of a college ready diploma is required to retake the common placement test.

#### ***Alternative Remedial Education Instruction***

Community colleges are statutorily required to establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction.

#### ***Academic Improvement Trust Fund Scholarships***

Scholarships funded through the Academic Improvement Trust Fund are stipulated for students with high academic achievement. According to the Florida Association of Community Colleges, the recent availability of Bright Futures scholarships for students who meet certain achievement standards makes this provision inflexible to meet demands for need-based scholarships.

#### ***Fee Exemptions***

The Lake Apopka Restoration Act passed by the Legislature closed muck farms around Lake Apopka through a buy-out of the property. The closing of the muck farms displaced approximately 1,500 farm workers and 1,100 farm-related workers.

### B. EFFECT OF PROPOSED CHANGES:

#### Governance

##### ***Baccalaureate Degrees at Community Colleges***

The State Board of Community Colleges would be directed to determine the needs and costs associated with community colleges offering limited baccalaureate degrees. This would provide information to the legislature to make decisions regarding greater access to baccalaureate degree opportunities. There is a concern that allowing community colleges to offer baccalaureate degrees will expand their mission beyond its intended scope and makes the goal of clarity in mission more difficult to achieve. Conversely, certain students such as place-bound students, or students denied access to an upper division program due to limited availability could benefit from being able to pursue baccalaureate degree coursework at the local community college.

##### ***SBIPVTTBS***

The State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools would be renamed the "State Board of Nonpublic Career Education." Additionally, the board would be authorized to grant statements of exemption which clearly delineate compliance requirements, and to engage in civil action against those who violate the terms of their exemption. This would provide greater protection for students of nonpublic career schools, and give the board recourse against those who are exempt from licensure.

#### Removing Administrative Barriers

##### ***Vocational Improvement Program***

A requirement for the creation a rule to implement the program which has never been funded would be removed. The provision which state that rules *may* be adopted would remain, should funds be appropriated in the future. This would allow the Department of Education to repeal an unnecessary rule.

##### ***Dual Enrollment***

The Commissioner of Education would be authorized to approve agreements for limited dual enrollment courses with statewide appeal. This would benefit students who want to participate in such courses because they would be recognized and accepted for transfer of credit statewide. School districts and community colleges would be required to weight dual enrollment courses the

same as honors and advanced placement courses in calculating grade point averages (GPA). This would benefit students who want to participate in such courses because they would not be penalized with a lower weighted GPA.

***Aligning reporting dates***

The submission dates of two planning requirements for the Division of Community Colleges would be aligned. This provision should facilitate the coordination of the two planning processes. Community colleges would also be required to report data for adult students with disabilities as part of the accountability plan.

***Florida Postsecondary Student Assistance Grant***

A second application filing deadline for the grant program would be created, consistent with the process used for the award of Florida Public Student Assistance Grant Program funds (S. 240.409(2)(d), F.S.) This would give students that delay their application, for whatever reason, an additional opportunity to access funds.

**Other Issues**

***College-ready Diploma***

Benefits of the diploma would be clarified so it is clear that students who take the college placement test (CPT) in order to get a college-ready diploma do not have to retake the test when they enroll in a public postsecondary education program at school districts or community colleges. The curriculum requirements of the diploma would be aligned with the requirements of a standard high school diploma and State University System admission requirements.

***Alternative Remedial Education Instruction***

Community Colleges would be required to notify students, through a display or list, about alternative remedial instructional opportunities. The student would then have flexibility as to where to obtain remedial instruction. Some remedial instruction opportunities allow students to work at the own pace, allowing a motivated student, for example, to complete remedial work faster than would have been possible at the community college. Community colleges would be prohibited from promoting certain alternative remedial instruction opportunities.

***Academic Improvement Trust Fund Scholarships***

Scholarships from the Academic Improvement Trust Fund would be available based on need rather than academic achievement. Need based grants and loans would also be made available from the Trust Fund. This would benefit students who qualify for need-based financial aid and do not qualify for the Bright Futures Scholarship program.

***Fee Exemptions***

Fee exemptions would be authorized for students who owned or worked for a business which was at least 50% negatively affected by the state buy-out of property around Lake Apopka. This would provide educational opportunities for retraining of those affected workers.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

*SBIPVTTBS* - the board would have authority to grant statements of exemption and to pursue civil action against institutions which violate the terms of exemption.

*Florida Postsecondary Student Assistance Grant* - the Department of Education would have to conduct a second application review process each year which may require a change or expansion of existing rules for the grant process.

*Dual Enrollment* - the Department of Education would have authority to establish a process for statewide acceptance of certain dual enrollment courses.

*Alternative Remedial Education Instruction* - community college district boards of trustees may need to establish rules for the notification of alternative remedial education instruction opportunities.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

*Baccalaureate Degrees at Community Colleges* - the State Board of Community Colleges would have to review the needs and costs of limited baccalaureate degrees at community colleges and the Postsecondary Education Planning Commission would have report to the legislature on the review.

*SBIPVTTBS* - the board would have authority to grant statements of exemption and to pursue civil action against institutions which violate the terms of exemption.

*Dual Enrollment* - the Department of Education would have to establish a statewide mechanism for the acceptance of certain dual enrollment courses.

*Florida Postsecondary Student Assistance Grant* - the Department of Education would have to conduct a second application review process for awarding the grants each year.

*Alternative Remedial Education Instruction* - community colleges would have to establish a process for the notification of alternative remedial education instruction opportunities.

*Fee exemptions* - the Department of Revenue would have to provide verification of financial impact caused by Lake Apopka buy out.

- (3) any entitlement to a government service or benefit?

*Fee exemptions* - eligible workers at least 50% negatively affected by the Lake Apopka buy out would receive fee exemptions for postsecondary education for four years.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

*Alternative Remedial Education Instruction* - requiring notification of alternative remedial instruction opportunities for community college students would increase their options for service delivery.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends sections: 232.2466, 239.117, 239.225, 240.1163, 240.235, 240.321, 240.324, 240.35, 240.36, 240.382, 240.4097, 246.201, 246.203, 246.205, 246.207, 246.213, 246.215, 246.216, 246.219, 246.220, 246.2265, 246.227, 246.31, 20.15, 240.40204, 246.011, 246.081, 246.085, 246.091, 246.111, 246.50, 455.2125, 455.554, 467.009, 476.178, 477.023, and 488.01, F.S.

**E. SECTION-BY-SECTION RESEARCH:**

- Section 1. Amends s. 232.2466, F.S., relating to the college-ready diploma program.
- Section 2. Amends s. 239.117, F.S., relating to postsecondary student fees (exemptions for those affected by the Lake Apopka buyout)
- Section 3. Amends s. 239.225, F.S., relating to the Vocational Improvement Program.
- Section 4. Amends s. 240.1163, F.S., relating to dual enrollment.
- Section 5. Amends s. 240.235, F.S., relating to fees (exemptions for those affected by the Lake Apopka buyout)
- Section 6. Amends s. 240.321, F.S., relating to community college district boards of trustees (alternative remedial instruction notification).
- Section 7. Amends s. 240.324, F.S., relating to the community college accountability process.
- Section 8. Amends s. 240.35, F.S., relating to student fees (exemptions for those affected by the Lake Apopka buyout).
- Section 9. Amends s. 240.36, F.S., relating to the Academic Improvement Trust Fund.
- Section 10. Amends s. 240.382, F.S., conforming provision related to student fees.
- Section 11. Amends s. 240.4097, F.S., relating to the Florida Postsecondary Student Assistance Grant Program.
- Section 12. Directive language relating to the State Board of Community Colleges (investigating the need for, and costs associated with, offering limited baccalaureate degree programs at community colleges).
- Section 13. Amends s. 246.201, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 14. Amends s. 246.203, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 15. Amends s. 246.205, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 16. Amends s. 246.207, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 17. Amends s. 246.213, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 18. Amends s. 246.215, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 19. Amends s. 246.216, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 20. Amends s. 246.219, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 21. Amends s. 246.220, F.S. conforming provisions relating to the State Board of



Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).

- Section 22. Amends s. 246.2265, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 23. Amends s. 246.227, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 24. Amends s. 246.31, F.S., relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 25. Amends s. 20.15, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 26. Amends s. 240.40204, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 27. Amends s. 246.011, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 28. Amends s. 246.081, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 29. Amends s. 246.085, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 30. Amends s. 246.091, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 31. Amends s. 246.111, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 32. Amends s. 246.50, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 33. Amends s. 455.2125, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 34. Amends s. 455.554, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 35. Amends s. 467.009, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).
- Section 36. Amends s. 476.178, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).

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Section 37. Amends s. 477.023, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).

Section 38. Amends s. 488.01, F.S., conforming provisions relating to the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools (SBIPVTTBS).

Section 39. Provides that the act take effect on July 1 of the year in which enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate. Minimal cost associated with the creation of rules.

2. Recurring Effects:

Indeterminate. Refer to Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

4. Total Revenues and Expenditures:

Indeterminate. Refer to Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS a WHOLE:

1. Non-recurring Effects:

Indeterminate. Refer to Fiscal Comments.

2. Recurring Effects:

Indeterminate. Refer to Fiscal Comments.

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

Indeterminate.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

Requiring that dual enrollment courses receive the same weight as honors courses and advanced placement courses for the purpose of calculating grade point averages may increase eligibility for merit based scholarship programs for some individuals, and may increase the willingness of students to enroll in dual enrollment courses. The fiscal effect of this change is indeterminate.

Providing fee exemptions for access to public postsecondary education by individuals at least 50% negatively financially impacted by the state's acquisition of property surrounding Lake Apopka will result in a loss of revenues to these institutions. Since the number of individuals who might qualify for and exercise this fee exemption is unknown, it is not possible to predict the fiscal impact of this provision.

Increasing the minimum level of private contributions which a community college must collect to receive state matching appropriations under the Dr. Philip Benjamin Academic Improvement Trust Fund from \$4,500 to \$12,000 may make it more difficult for some institutions to qualify annually. Revisions to the eligible uses of the fund will benefit financially needy students.

Beginning with the 1999/2000 academic year, the Department of Education is directed to establish two application deadlines for the Florida Postsecondary Student Assistance Grant program. The establishment of the second application deadline may result in additional administrative costs to the Department, but should also result in increased utilization of PSAG appropriations. Presently, there is no authority to reissue initial awards which are returned to the Department.

Section 16 of the bill amends s.246.207, F.S., redirecting fees collected by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools to the Institutional Assessment Trust Fund, rather than the General Revenue Fund. This revision conforms the statute to current practice. For the 1997/98 fiscal year, the DOE estimates that revenues from licenses and fees from SBIPVTTBS will be \$890,650. This trust fund underwrites the activities of the State Board.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

VI. H:\WP\h4259a.edAMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Education Appropriations Committee adopted the following amendments on 4/2/98:

Amendment 1 removed Section 12 from the bill. This section would have required the State Board of Community Colleges to develop a methodology for determining the need and cost of offering limited baccalaureate degrees at selected community colleges.

Amendment 2 was a technical amendment, clarifying that scholarships and loans funded from the Dr. Philip Benjamin Academic Improvement Trust Fund for Community Colleges are not limited to need-based purposes.

Amendment 3 revised a provision in Section 4 of the bill relating to how dual enrollment courses are weighted for computing grade point averages.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY COLLEGES AND CAREER PREP:

Prepared by:

Legislative Research Director:

Stacey E. Smelser

Theresa A. Klebacha, Ph.D.

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Legislative Research Director:

John Newman

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